STATEMENT OF INFORMATION

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

Book II

EVENTS FOLLOWING THE WATERGATE BREAK-IN

June 17, 1972–February 9, 1973



MAY–JUNE 1974

U.S. GOVERNMENT PRINTING OFFICE

35-780 O

WASHINGTON : 1974

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Price $6.10.

COMMITTEE ON THE JUDICIARY

PETER W. RODINO, JR., New Jersey, *Chairman*

HAROLD D. DONOHUE, Massachusetts
JACK BROOKS, Texas
ROBERT W. KASTENMEIER, Wisconsin
DON EDWARDS, California
WILLIAM L. HUNGATE, Missouri
JOHN CONYERS, JR., Michigan
JOSHUA EILBERG, Pennsylvania
JEROME R. WALDIE, California
WALTER FLOWERS, Alabama
JAMES R. MANN, South Carolina
PAUL S. SARBANES, Maryland
JOHN F. SEIBERLING, Ohio
GEORGE E. DANIELSON, California
ROBERT F. DRINAN, Massachusetts
CHARLES B. RANGEL, New York
BARBARA JORDAN, Texas
RAY THORNTON, Arkansas
ELIZABETH HOLTZMAN, New York
WAYNE OWENS, Utah
EDWARD MEZVINSKY, Iowa

EDWARD HUTCHINSON, Michigan
ROBERT McCLORY, Illinois
HENRY P. SMITH III, New York
CHARLES W. SANDMAN, JR., New Jersey
TOM RAILSBACK, Illinois
CHARLES E. WIGGINS, California
DAVID W. DENNIS, Indiana
HAMILTON FISH, JR., New York
WILEY MAYNE, Iowa
LAWRENCE J. HOGAN, Maryland
M. CALDWELL BUTLER, Virginia
WILLIAM S. COHEN, Maine
TRENT LOTT, Mississippi
HAROLD V. FROEHLICH, Wisconsin
CARLOS J. MOORHEAD, California
JOSEPH J. MARAZITI, New Jersey
DELBERT L. LATTA, Ohio

JOHN DOAR, *Special Counsel*
ALBERT E. JENNER, JR., *Special Counsel to the Minority*
JOSEPH A. WOODS, JR., *Senior Associate Special Counsel*
RICHARD CATES, *Senior Associate Special Counsel*
BERNARD W. NUSSBAUM, *Senior Associate Special Counsel*
ROBERT D. SACK, *Senior Associate Special Counsel*
ROBERT A. SHELTON, *Associate Special Counsel*
SAMUEL GARRISON III, *Deputy Minority Counsel*

FRED H. ALTSHULER, *Counsel*
THOMAS BELL, *Counsel*
W. PAUL BISHOP, *Counsel*
ROBERT L. BROWN, *Counsel*
MICHAEL M. CONWAY, *Counsel*
RUFUS CORMIER, *Special Assistant*
E. LEE DALE, *Counsel*
JOHN B. DAVIDSON, *Counsel*
EVAN A. DAVIS, *Counsel*
CONSTANTINE J. GEKAS, *Counsel*
RICHARD H. GILL, *Counsel*
DAGMAR HAMILTON, *Counsel*
DAVID HANES, *Special Assistant*
JOHN E. KENNAHAN, *Counsel*
TERRY R. KIRKPATRICK, *Counsel*
JOHN R. LABOVITZ, *Counsel*
LAURANCE LUCCHINO, *Counsel*
R. L. SMITH MCKEITHEN, *Counsel*

ALAN MARER, *Counsel*
ROBERT P. MURPHY, *Counsel*
JAMES B. F. OLIPHANT, *Counsel*
RICHARD H. PORTER, *Counsel*
GEORGE RAYBORN, *Counsel*
JAMES REUM, *Counsel*
HILLARY D. RODHAM, *Counsel*
STEPHEN A. SHARP, *Counsel*
JARED STAMELL, *Counsel*
ROSCOE B. STAREK III, *Counsel*
GARY W. SUTTON, *Counsel*
EDWARD S. SZUKELEWICZ, *Counsel*
ROBERT J. TRAINOR, *Counsel*
J. STEPHEN WALKER, *Counsel*
BEN A. WALLIS, JR., *Counsel*
WILLIAM WELD, *Counsel*
WILLIAM A. WHITE, *Counsel*

FOREWORD

By Hon. Peter W. Rodino, Jr., Chairman,
Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410-4 the following House Resolution 803:

> RESOLVED, That the Committee on the Judiciary acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Beginning in November 1973, acting under resolutions referred to the Committee by the Speaker of the House and with a special appropriation, I had begun to organize a special staff to investigate serious charges against the President of the United States.

On May 9, 1974, as Chairman of the Committee on the Judiciary, I convened the Committee for hearings to review the results of the Impeachment Inquiry staff's investigation. The staff began its initial presentation the same day, in executive session, pursuant to the Committee's Impeachment Inquiry Procedures adopted on May 2, 1974.

By June 21, the Inquiry staff had concluded its initial presentation.

On June 25, the Committee voted to make public the initial presentation including substantially all of the supporting material

presented at the hearings. The Committee also voted to make public the President's response, which was presented to the Committee on June 27 and June 28 in the same form and manner as the Inquiry staff's initial presentation.

Statements of information and supporting evidentiary material were compiled by the Inquiry staff in 36 notebooks and furnished in this form to each Member of the Committee. The notebooks presented material on several subjects of the Inquiry: the Watergate break-in and its aftermath, ITT, dairy price supports, domestic surveillance, abuse of the IRS, and the activities of the Special Prosecutors.

The staff also presented to the Committee written reports on President Nixon's income taxes, Presidential impoundment of funds appropriated by Congress, and the bombing of Cambodia.

Fifteen notebooks were furnished to the Members of the Committee relating to the Watergate break-in on June 17, 1972 and to events following the break-in, through April 30, 1973. In each notebook a statement of information relating to a particular phase of the investigation was immediately followed by supporting evidentiary material, which included copies of documents and testimony (much already on public record), transcripts of Presidential conversations and affidavits.

The fifteen volumes relating to the Watergate phase of the Inquiry were divided into four books, as follows:

Book I - Events Prior to the Watergate Break-In
12/2/71 - 6/17/72

Book II - Events Following the Watergate Break-In
6/17/72 - 2/9/73

Book III - Events Following the Watergate Break-In 6/20/72 - 3/22/73

Book IV - Events Following the Watergate Break-In 3/22/73 - 4/30/73

Book I dealt with events prior to the Watergate break-in. Book II dealt with allegations involving Presidential interference with the official Department of Justice investigation. Book III dealt with allegations concerning payments of "hush" money to Watergate defendants to insure their silence, offers of leniency and executive clemency, and the instigating or making of false statements to persons connected with an official investigation of Watergate; Book III also included a chronology of events between February 9 and March 22, 1973. Book IV dealt with events relating to the President's investigation of the Watergate break-in and alleged cover-up between March 22 and April 30, 1973.

Every effort was made to preclude inferences in the presentation of this material. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

With respect to the Presidential recorded conversations, the Committee determined to hear the recorded conversations in their entirety. The Presidential recorded conversations were neither paraphrased nor summarized by the Inquiry staff. Thus, no inferences, or conclusions were drawn for the Committee. During the course of the hearings, Members of the Committee heard each recording and simultaneously followed transcripts prepared by the Inquiry staff. Each of

these transcripts is reprinted under the appropriate Statement of Information.

During the course of the hearings, the Committee found it necessary to issue four subpoenas to President Richard Nixon requiring tape recordings of 98 Presidential conversations as well as all papers and things prepared by, sent to, received by, or at any time contained in the files of H. R. Haldeman, John D. Ehrlichman, Charles W. Colson, John Dean, III, and Gordon Strachan to the extent that such papers or things related or referred directly or indirectly to the break-in and electronic surveillance of the Democratic National Committee Headquarters in the Watergate office building during May and June of 1972 or the investigations of that break-in by the Department of Justice, the Senate Select Committee on Presidential Campaign Activities, or any other legislative, judicial, executive or administrative body, including members of the White House staff.

The Committee also subpoenaed the President's daily diaries (logs of Presidential meetings, telephone calls, and other activities) for the periods April through July 1972, February through April 1973, July 12 through July 31, 1973 and October 1973.

In response to these subpoenas, the President furnished only edited White House transcripts of 31 of the subpoenaed conversations between March 17 and April 18, 1973. These edited transcripts were summarized by the Inquiry staff and made a part of the evidentiary material presented to the Committee. To the extent that the President declined to comply with the Committee's subpoenas and produce the

required material, the record of the Committee now made public in these volumes is incomplete.

In a few instances, Ranking Minority Member Mr. Hutchinson and I determined, pursuant to authority granted us by the Committee, to defer the release of evidentiary material or to delete it for one of the following reasons:

1) Because the public interest in making the material public was outweighed by the potential prejudice to the rights of defendants under indictment and awaiting trial.

2) Because the information was classified or otherwise required confidential treatment,

3) Because the material was only marginally pertinent and was considered to be defamatory, degrading or embarrassing, or,

4) Because the material was not pertinent to Presidential responsibility within the outer limits of an impeachable offense within the meaning of the Constitution.

The Committee on the Judiciary is working to follow faithfully its mandate "to investigate fully and completely" whether or not sufficient grounds exist to recommend that the House exercise its constitutional power of impeachment.

I believe that the readers of these volumes will see that the Committee's primary effort in carrying out its mandate has been to obtain an objective, impartial presentation which will enable each Member of the Committee to make an informed judgment in fulfilling his or her constitutional responsibility.

I also believe that the publication of the record of these hearings will provide readers with a clear idea of the particulars of the investigation and that the proximity of the evidence will assure them that no statement of information is offered without supporting evidentiary material.



July 1974

CONTENTS

	Page
Foreword	iii
Introductory Note	xi
Statement of Information	1
Statement of Information and Supporting Evidence	69

INTRODUCTORY NOTE

The material contained in this volume is presented in two sections. Section 1 contains a statement of information footnoted with citations to evidentiary material. Section 2 contains the same statement of information followed by the supporting material.

Supporting material consists of information obtained at hearings before the Senate Select Committee on Presidential Campaign Activities; information developed in executive session by other Congressional committees; information furnished to the Committee by the Grand Jury of the District of Columbia and by other grand juries; information furnished to the Committee by government agencies; transcripts of tape recordings of conversations among President Nixon and his key associates prepared by the Committee staff; information furnished to the Committee by the President, the Executive Departments of the Government, the Special Prosecutor, and other information obtained by the Committee, much of which was already on the public record.

Each page of supporting evidence is labeled with the footnote number and a description of the document or the name of the witness testifying. Copies of entire pages of documents and testimony are included, with brackets around the portions pertaining to the statement of information. Markings on the documents include item numbers and receipt stamps of the House Judiciary Committee and other agencies from which the Committee received material.

In a few instances, names of persons in sensitive positions have been deleted from documents at the request of the CIA, FBI and other investigative agencies. Some documents contained deletions when the Committee received them.

In the citation of sources, the following abbreviations are used: "SSC" for Senate Select Committee on Presidential Campaign Activities; "SJC" for Senate Judiciary Committee; and "HJC" for House Judiciary Committee.

STATEMENT OF INFORMATION

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

June 17, 1972 - February 9, 1973

1. On June 17, 1972 shortly after 2:00 a.m. five persons, including James McCord, a security consultant for the Committee for the Re-election of the President (CRP), were arrested in the Watergate headquarters of the Democratic National Committee (DNC). Immediately after the arrests, Howard Hunt and Gordon Liddy left the Watergate Hotel. Hunt took with him a briefcase belonging to McCord that contained electronic equipment, went to his office in the Executive Office Building (EOB), and withdrew from a safe located in his EOB office $10,000 previously provided to him by Liddy for use in case there was a mishap. Hunt placed McCord's briefcase in the safe. In the early morning hours, he delivered the money to an attorney on behalf of the five persons arrested at the DNC headquarters.

Page

1.1 Paul Leeper testimony, 1 SSC 96, 105-06..... 72

1.2 James McCord testimony, 1 SSC 126..... 75

1.3 E. Howard Hunt testimony, 9 SSC 3688-89..... 76

2. At the time of the arrests at the Watergate headquarters of the DNC, electronic surveillance and photographic equipment and approximately $1,500 in cash were found in the possession of the persons arrested. A subsequent search of rooms in the Watergate Hotel that had been rented under alias names used by certain of the persons arrested produced a directory containing a White House telephone number for Howard Hunt, a check drawn by E. Howard Hunt, and 32 sequentially numbered $100 bills. (These bills had been received from a Florida bank into which Barker had deposited five checks contributed to the President's re-election campaign. Four of these checks totalling $89,000 had been drawn on a Mexican bank payable to Manuel Ogarrio, a Mexican lawyer. The fifth check totalling $25,000 had been drawn by Kenneth Dahlberg. These checks had been delivered to Gordon Liddy by FCRP Treasurer Hugh Sloan to be converted into cash.)

		Page
2.1	Paul Leeper testimony, 1 SSC 96, 105-08.....	81
2.2	Memorandum from Vernon Walters to L. Patrick Gray, July 7, 1972, SSC Exhibit No. 143, 9 SSC 3853.....	86
2.3	Hotel registration records, June 16, 1972, for R. Godoy (Virgilio Gonzalez), J. DiAlberto (Frank Sturgis), J. Valdez (Eugenio Martinez), and F. Carter (Bernard Barker), Exhibits 88-91, United States v. Liddy.....	87
2.4	United States v. Liddy indictment, September 15, 1972, Count One, paragraphs 1-15.....	89
2.5	Metropolitan Police Department, Washington, D. C., Supplementary Evidence Report, June 20, 1972, 12, 24-25.....	92
2.6	L. Patrick Gray testimony, 9 SSC 3451.....	95

Page

2.7 John Dean testimony, 3 SSC 942-43..... 96

2.8 Hugh Sloan testimony, 2 SSC 575-76..... 98

35-780 O - 74 - 2

3. At approximately 8:00 a.m. on the morning of the arrests, Henry Petersen, the Assistant Attorney General in charge of the Criminal Division of the Justice Department, telephoned Attorney General Richard Kleindienst at home to tell him of the arrests at the DNC headquarters.

Page

3.1 Henry Petersen testimony, 9 SSC 3611-12 102

3.2 Richard Kleindienst testimony, 9 SSC 3560 104

4. On the morning of June 17, 1972 Gordon Liddy telephoned Jeb Magruder, Chief of Staff to John Mitchell at CRP, at the Beverly Hills Hotel in California. Magruder returned Liddy's call from a pay telephone. Liddy advised Magruder of the arrests at the DNC headquarters. Shortly thereafter, Magruder met with John Mitchell, the Campaign Director of CRP, and Fred LaRue, Mitchell's Special Assistant at CRP, at the hotel. There was discussion regarding somebody's contacting Attorney General Richard Kleindienst concerning the arrests at the DNC headquarters. Later that day, Liddy and Powell Moore, an official at CRP, met with Attorney General Kleindienst at the Burning Tree Club near Washington, D. C. Liddy told Kleindienst that Mitchell had asked him to give Kleindienst a report on the break-in at the DNC headquarters and that some of the persons arrested might be employed by either the White House or CRP. Kleindienst called Henry Petersen and instructed him not to give special treatment to those arrested at the Watergate. Kleindienst told Liddy to leave the premises.

		Page
4.1	Jeb Magruder testimony, 2 SSC 798.	106
4.2	Fred LaRue testimony, 6 SSC 2284-85.....	107
4.3	Fred LaRue testimony, 6 SSC 2330.....	109
4.4	Richard Kleindienst testimony, 9 SSC 3560-62.....	110
4.5	John Mitchell testimony, 4 SSC 1662.....	113
4.6	Robert Mardian testimony, 6 SSC 2352-53.....	114

5. In the late afternoon of June 17, 1972 Secret Service Agent Boggs telephoned John Ehrlichman, Assistant to the President, and told him that one of the persons arrested at the DNC headquarters had in his possession a document referring to Howard Hunt, who apparently was a White House employee. Later that day, Ehrlichman telephoned Ronald Ziegler, the President's press secretary, who was with the Presidential party in Florida. Ehrlichman told Ziegler the substance of his telephone conversation with Agent Boggs. Ehrlichman also telephoned Charles Colson, Special Counsel to the President, and discussed Hunt's White House employment status.

Page

5.1 John Ehrlichman testimony, 6 SSC 2580..... 118

5.2 Charles Colson deposition, O'Brien [DNC] v. McCord, August 30, 1972, 31-32..... 119

6. During the evening of June 17, 1972 Assistant Attorney General Petersen telephoned Attorney General Kleindienst and told him that documentation relating to a White House consultant had been found at the scene of the break-in at the DNC headquarters.

Page

6.1 Henry Petersen testimony, 9 SSC 3612-13..... 122

7. On June 18, 1972 H. R. Haldeman, Chief of Staff to President Nixon, who was at Key Biscayne, Florida with the Presidential party, spoke by telephone with Jeb Magruder, who was in California. Haldeman directed Magruder to return to Washington, D. C. to meet with Counsel to the President John Dean, Haldeman's Special Assistant Gordon Strachan, and FCRP Treasurer Hugh Sloan to learn what had happened and determine the source of the money found in the possession of the persons arrested at the DNC headquarters. By the following day, Magruder had returned to Washington.

Page

7.1 Jeb Magruder testimony, 2 SSC 799 126

7.2 H. R. Haldeman testimony, 8 SSC 3039 127

8. On June 18, 1972 John Ehrlichman spoke by telephone with H. R. Haldeman. They discussed the break-in at the DNC headquarters, the involvement of James McCord, and the fact of Hunt's name being involved.

Page

8.1 John Ehrlichman testimony, 6 SSC 2581..... 130

9. At noon on June 18, 1972 Gordon Strachan telephoned Haldeman's principal staff assistant, Lawrence Higby. Higby told Strachan that Haldeman had spoken with Jeb Magruder about the break-in and that John Ehrlichman was handling the entire matter.

		Page
9.1	Gordon Strachan testimony, 6 SSC 2457.....	132
9.2	H. R. Haldeman testimony, 8 SSC 3019.....	133

10. At 7:32 a.m. on June 19, 1972 Attorney General Kleindienst telephoned the Acting Director of the FBI L. Patrick Gray in Palm Springs, California, and stated that Kleindienst wished to be briefed on the investigation of the break-in at the DNC headquarters. Kleindienst told Gray that the President wanted to talk to Kleindienst about it that day or possibly the next day.

Page

10.1 L. Patrick Gray notes of telephone conversation, June 19, 1972 (received from L. Patrick Gray)..... 136

11. In the morning or early afternoon of June 19, 1972 Ehrlichman told John Dean to look into the question of White House involvement in the break-in at the DNC and to determine Howard Hunt's White House employment status. Dean has testified that he then spoke to Charles Colson regarding Colson's knowledge of the break-in and Hunt's status and that Colson denied knowledge of the event, but expressed concern over the contents of Hunt's safe. Dean has also testified that he spoke to Gordon Liddy, who advised of his and Magruder's involvement in the planning and execution of the break-in. Thereafter Ehrlichman received a report from Dean that Dean had spoken to Liddy and to law enforcement officials, that law enforcement officials were aware that the matter went beyond the five persons who were apprehended, that Liddy was involved, and that there was a further direct involvement of the CRP.

		Page
11.1	John Dean testimony, 3 SSC 932-34	144
11.2	John Dean testimony, Watergate Grand Jury, November 19, 1973, 48-50 (received from Watergate Grand Jury)	147
11.3	John Ehrlichman testimony, 7 SSC 2821-22	150
11.4	John Ehrlichman testimony, 6 SSC 2582-83	152

12. On June 19, 1972 the President telephoned Charles Colson from Florida and spoke with him for approximately one hour ending shortly before noon. The break-in at the DNC headquarters was discussed.

Page

12.1 Meetings and conversations between the President and Charles Colson, June 19, 1972 (received from White House) 156

12.2 Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 6-8, (received from SSC) 157

13. On June 19, 1972 Howard Hunt went to the Executive Office Building and reviewed the contents of his safe. He determined that the contents included cables Hunt had fabricated indicating a relationship between the Kennedy Administration and the assassination of Vietnamese President Diem, materials relating to Gemstone, James McCord's electronic equipment, and other material. Hunt thereupon informed Charles Colson's secretary, Joan Hall, that Hunt's safe contained sensitive materials.

Page

13.1 E. Howard Hunt testimony, 9 SSC 3672, 3689..... 162

14. During the afternoon of June 19, 1972 John Ehrlichman, Charles Colson, John Dean, Bruce A. Kehrli, Staff Assistant to H. R. Haldeman, and Ken Clawson, White House Deputy Director of Communications, met in Ehrlichman's office and discussed Howard Hunt's White House employment status. Colson stated that Hunt should have been terminated as a White House consultant as of March 31, 1972. Kehrli was asked to and did bring Hunt's employment records to Ehrlichman's office. These records did not indicate that Hunt's consultant status had been terminated. By memorandum dated June 19, 1972 Colson transmitted to Dean documents relating to Hunt's status.

(By memorandum dated March 27, 1972 to Charles Colson, Hunt had requested assistance in changing the annuity benefit option he had selected upon retirement from the CIA. By memorandum dated March 30, 1972 to Kehrli, Richard Howard, Staff Assistant to Charles Colson, had inquired respecting Hunt's situation. At the top of the original of the Howard memorandum, there is a handwritten note: "Noble - Please let me know on this w/o giving out any info. on the name of the fellow we're trying to help. B." At the bottom of that memorandum there is a handwritten note "OK - Drop as of April 1, 1972 BAK." On May 5, 1972 Hunt had written a letter on White House stationery to CIA General Counsel Lawrence Houston, renewing his request respecting his benefit option and stating that he had discussed the matter with the White House legal staff.)

Page

14.1 John Ehrlichman log, June 19, 1972 (received from SSC).....167

Pages

14.2 John Dean testimony, 3 SSC 934-35.....168

14.3 Memorandum from Charles Colson to John Dean, June 19, 1972, with attachments: memorandum from Richard Howard to Bruce Kehrli, March 30, 1972; memorandum from Joan Hall to Charles Colson, June 19, 1972. SSC Exhibit No. 34-15, 3 SSC 1157-59.....170

14.4 John Ehrlichman testimony, 6 SSC 2612.....173

14.5 Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 2-4 (received from SSC).....174

14.6 Memorandum from E. Howard Hunt to Charles Colson March 27, 1972, (received from SSC).....178

14.7 List of Presidential assistants and their staffs (received from White House).....180

14.8 Copy of memorandum from Richard Howard to Bruce Kehrli, March 30, 1972, with Cox-Buzhardt correspondence regarding the memorandum (received from Watergate Special Prosecution Force).....181

14.9 Original of memorandum from Richard Howard to Bruce Kehrli, March 30, 1972, with handwritten notations (received from White House).....184

14.10 Letter from E. Howard Hunt to Lawrence Houston, May 5, 1972 (received from CIA).....185

14.11 Jeb Magruder testimony, 2 SSC 791-93.....186

15. At the meeting specified in the preceding paragraph, John Ehrlichman instructed that Howard Hunt's EOB safe should be opened in the presence of John Dean, Bruce Kehrli and a Secret Service Agent, and that Dean should take possession of the contents. Charles Colson said that this should be done immediately. On the evening of June 19, 1972 at Kehrli's request, Hunt's safe was forcibly opened in the presence of a Secret Service Agent and a GSA representative. Kehrli and Fred Fielding, Dean's assistant, arrived shortly thereafter.

Page

15.1 John Ehrlichman testimony, 6 SSC 2612-13 190

15.2 John Dean testimony, 3 SSC 934 192

15.3 Bruce Kehrli deposition, Democratic National Committee v. McCord, May 15, 1973, 6-9 193

15.4 Fred Fielding deposition, Democratic National Committee v. McCord, May 15, 1973, 7-9 197

15.5 Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 4 (received from SSC) 200

16. Immediately before the meeting specified in paragraph 14, John Dean asked Gordon Liddy to advise Howard Hunt that he should leave the country. Liddy contacted Hunt and told him that "they" wanted Hunt to get out of town. Dean states that he took this action on instructions from Ehrlichman, and that Dean retracted his instruction shortly after he gave it. Ehrlichman has denied that he gave such instructions.

Page

16.1 John Dean testimony, 3 SSC 934.....204

16.2 E. Howard Hunt testimony, SSC Executive Session, July 26, 1973, 210-12.....205

16.3 E. Howard Hunt testimony, 9 SSC 3690.....208

16.4 John Ehrlichman testimony, 7 SSC 2718-19.....209

16.5 Transcript of tape recorded conversation between Ken Clawson and John Ehrlichman, March or April 1973, SSC Exhibit No. 108, 7 SSC 3009.....211

16.6 Transcript of tape recorded conversation between Charles Colson and John Ehrlichman, April 17, 1973, SSC Exhibit No. 109, 7 SSC 3010-11.....212

16.7 United States v. Mitchell indictment, March 1, 1974, 1, 7-8.....214

16.8 Robert Bennett deposition, Democratic National Committee v. McCord, April 19, 1973, 25, 29-32.....217

17. On the evening of June 19, 1972 John Mitchell met at his apartment in Washington, D. C. with John Dean, Jeb Magruder, Robert Mardian and Fred LaRue and discussed the break-in at the DNC headquarters.

Page

17.1 John Mitchell testimony, 4 SSC 1622.....224

17.2 Jeb Magruder testimony, 2 SSC 799-800.....225

17.3 Robert Mardian testimony, 6 SSC 2355.....227

17.4 Fred LaRue testimony, 6 SSC 2303-04.....228

35-780 O - 74 - 3

18. On June 19, 1972 Ronald Ziegler, the President's press secretary, described the break-in at the DNC headquarters as "a third-rate burglary attempt."

Page

18.1 Washington Post, June 20, 1972, A1, A4.....232

19. On June 20, 1972 at 9:00 a.m. H. R. Haldeman, John Ehrlichman and John Mitchell met to discuss the break-in at the DNC headquarters. John Dean joined the meeting at 9:45 a.m. Attorney General Kleindienst joined the meeting at 9:55 a.m. Later that day, Haldeman met with the President for one hour and nineteen minutes (11:26 a.m. to 12:45 p.m.) and the subjects discussed included Watergate. Haldeman's notes of the meeting reflect that that portion of their discussion dealt with checking an EOB office for bugs, a "counter-attack," "PR offensive to top this," and the need to "be on the attack -- for diversion." When a tape recording of the conversation was produced on November 26, 1973 in response to a subpoena by the Watergate Special Prosecutor, the recording contained an eighteen and one-half minute buzzing sound that obliterated the portion of the conversation reflected in the foregoing segment of Haldeman's notes.

Page

19.1 H. R. Haldeman calendar, June 20, 1972 (received from SSC) 237

19.2 John Ehrlichman log, June 20, 1972 (received from SSC) 238

19.3 John Mitchell log, June 20, 1972 (received from SSC) 239

19.4 H. R. Haldeman testimony, 8 SSC 3039-40.....240

19.5 John Ehrlichman testimony, 7 SSC 2822.....242

19.6 President Nixon's daily diary, June 20, 1972, Exhibit 13, In re Grand Jury, Misc. 47-73, 1-2.....243

19.7 Meetings and conversations between the President and H. R. Haldeman, June 20, 1972 (received from White House) 245

Page

19.8 H. R. Haldeman handwritten notes of meeting, June 20, 1972, Exhibit 61, In re Grand Jury, Misc. 47-73.....246

19.9 J. Fred Buzhardt testimony, In re Grand Jury, Misc. 47-73, January 18, 1974, 2499-2500.....249

19.10 Report to Chief Judge John Sirica from Advisory Panel on the White House tapes, January 15, 1974.....251

19.11 Analysis, Index and Particularized Claims of Executive Privilege for Subpoenaed Materials, J. Fred Buzhardt, In re Grand Jury, Misc. 47-73, November 26, 1973, 1, 9.....257

19.12 Rose Mary Woods testimony, In re Grand Jury, Misc. 47-73, November 26, 1973, 1267-68.....259

20. On June 20, 1972 Gordon Strachan met with H. R. Haldeman and showed him a copy of a Political Matters Memorandum Strachan had sent to Haldeman prior to April 4, 1972 concerning approval of a "sophisticated intelligence system with a budget of $300,000." Haldeman acknowledged to Strachan that he had read the political intelligence item in the memorandum. Strachan also showed Haldeman political intelligence reports referring to "Sedan Chair II" which had been attached to the memorandum. Haldeman said he had not previously read the attachment, and proceeded to read it. According to Strachan, Haldeman directed him to destroy all of the documents. Haldeman has testified that he could not recall giving Strachan any such instruction.

Page

20.1 Gordon Strachan testimony, 6 SSC 2452-53, 2457-58.....262

20.2 H. R. Haldeman testimony, 8 SSC 3096-97.....266

21. Following his meeting with H.R. Haldeman, Gordon Strachan shredded the Political Matters Memorandum regarding a sophisticated intelligence gathering system that he had shown Haldeman. Strachan also shredded other related documents, including a memorandum regarding Gordon Liddy, an April 4, 1972 talking paper prepared by Strachan for a meeting between Haldeman and John Mitchell, a memorandum from Jeb Magruder to Mitchell regarding Donald Segretti, and Segretti's telephone number. After Strachan destroyed these documents, he told John Dean what documents he had destroyed. On July 1, 1972 Strachan, Haldeman and Lawrence Higby were part of a Presidential party aboard Air Force One. Strachan has testified that during the flight he reported to Haldeman that the job had been accomplished, and Haldeman told him to reduce the number of copies made of future Political Matters Memoranda from three to two. Haldeman has testified that he does not recall receiving such a report.

Page

21.1 Gordon Strachan testimony, 6 SSC 2441, 2458-60. 270

21.2 John Dean testimony, 3 SSC 933-34. 274

21.3 H.R. Haldeman testimony, 8 SSC 3097. 276

22. On June 20 or 21, 1972 Robert Mardian and Fred LaRue met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that he and Howard Hunt had developed the plans for entries into the DNC and the McGovern presidential campaign offices; that he, Hunt and others involved in the Watergate break-in had been previously involved in operations of the White House, specifically an entry into the offices of Daniel Ellsberg's psychiatrist; that Hunt had acted to make ITT lobbyist Dita Beard unavailable as a witness at the Senate Judiciary Committee hearings on the nomination of Richard Kleindienst to be Attorney General; and that he had shredded all new, serialized $100 bills in his possession and other evidence relating to the Watergate break-in. Later that day Mardian and LaRue met with John Mitchell and apprised him of their meeting with Liddy. Mitchell was told of Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist and of Hunt's earlier activities involving Dita Beard.

Page

22.1 Fred LaRue testimony, 6 SSC 2286-88, 2309, 2317-18..278

22.2 Robert Mardian testimony, 6 SSC 2357-63.....284

22.3 John Mitchell testimony, 4 SSC 1621-22, 1628, 1643-44, 1660.....291

23. Shortly after Hunt's involvement in the Watergate matter became known, a White House telephone list bearing Howard Hunt's name and phone extension was recalled and the list was re-issued, deleting Hunt.

Page

23.1 Statement of CIA employee, January 17, 1974 (received from CIA).....298

24. On June 20, 1972 John Mitchell, the Campaign Director of CRP, issued a prepared press statement. The statement denied any legal, moral or ethical accountability on the part of CRP for the break-in at the DNC headquarters.

Page

24.1 Washington Post, June 21, 1972, A1, A9.....302

25. On June 20, 1972 at 6:08 p.m. the President spoke by telephone with John Mitchell. The President and Mitchell discussed the break-in at the DNC headquarters. According to a dictabelt recording made by the President on June 20, 1972 recollecting the events of that day, Mitchell expressed to the President his regret that he had not kept better control over the people at CRP.

Page

25.1 President Nixon daily diary, June 20, 1972, Exhibit 13, In re Grand Jury, Misc. 47-73, 1-2.....306

25.2 President Nixon remarks before Associated Press Managing Editors Association, November 17, 1973, 9 Presidential Documents 1345-46.....308

25.3 Dictabelt recording of President Nixon's recollections of events of June 20, 1972, and House Judiciary Committee transcript thereof.....310

26. On June 21, 1972 shortly after 9:35 a.m. John Ehrlichman told Acting FBI Director Gray that John Dean would be handling an inquiry into Watergate for the White House and that Gray should call Dean and work closely with him. Gray told Ehrlichman that the FBI was handling the case as a "major special with all of our normal procedures in effect." At 10:00 a.m. Gray telephoned Dean and arranged to meet Dean at 11:30 a.m. in Gray's office. At the meeting they discussed the sensitivity of the investigation, and Dean told Gray that Dean would sit in on FBI interviews of White House staff members in his official capacity as counsel to the President.

Page

26.1 L. Patrick Gray log, June 21, 1972, 1-2 (received from SSC).....312

26.2 L. Patrick Gray testimony, 9 SSC 3450.....314

26.3 John Dean testimony, 3 SSC 942.....315

27. On or about June 22, 1972 John Ehrlichman met with John Dean and discussed the contents of Howard Hunt's safe and what to do with certain politically sensitive documents.

		Page
27.1	John Dean testimony, 3 SSC 937-38.....	318
27.2	John Ehrlichman testimony, 6 SSC 2612-14.....	320
27.3	John Ehrlichman testimony, 7 SSC 2824-26.....	323
27.4	Portion of John Dean notes for Camp David report, SSC Exhibit No. 34-43, 3 SSC 1290.....	326

28. On June 22, 1972 FBI agents interviewed Charles Colson in the EOB. John Dean was present. When the agents inquired about Howard Hunt's office in the EOB, Dean told them either that he would have to check out whether Hunt had an EOB office or that the request to see Hunt's office would have to be checked out.

Page

28.1 Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 10 (received from SSC).....330

28.2 John Dean testimony, 3 SSC 939-40.....332

28.3 Notes of Charles Colson interview, June 22, 1972, SSC Exhibit No. 34-16, 3 SSC 1160.....334

28.4 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, March 7, 1973, 328.....335

28.5 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, March 22, 1973, 671.....336

29. On or about June 22, 1972 Acting FBI Director L. Patrick Gray met with John Dean. Gray told Dean the FBI had discovered that a $25,000 check drawn by Kenneth Dahlberg and four checks totalling $89,000 drawn on a bank in Mexico City payable to Manuel Ogarrio had been deposited in a Miami, Florida bank account of Bernard Barker, one of the persons arrested on June 17, 1972 at the DNC headquarters in the Watergate. Gray and Dean discussed the FBI's alternative theories of the Watergate case, including the theory that the break-in was a covert operation of the CIA. Either that same day or the following morning Dean reported to Haldeman on his meeting with Gray, and Haldeman in turn transmitted the essence of the report to the President.

Page

29.1 L. Patrick Gray log, June 22, 1972 (received from SSC).....338

29.2 L. Patrick Gray testimony, 9 SSC 3451.....339

29.3 John Dean testimony, 3 SSC 942-43.....340

29.4 Memorandum from C. W. Bates to Charles Bolz, June 22, 1972, 1-2 (received from SSC).....342

29.5 Telegram from FBI Washington Field Office to L. Patrick Gray, June 22, 1972, 1-2 (received from SSC)..346

29.6 H. R. Haldeman testimony, Subcommittee of the Senate Appropriations Committee, Hearings on Purported Attempt to Involve the Central Intelligence Agency in the Watergate and Ellsberg Incidents, Executive Session, May 31, 1973, 360-61.....348

29.7 H. R. Haldeman testimony, 8 SSC 3040.....350

30. On June 22, 1972 the President held a press conference. He was asked whether he had made an investigation to determine whether there was a direct link between the people who bugged the DNC headquarters and the White House. The President said:

> Mr. Ziegler and also Mr. Mitchell, speaking for the campaign committee, have responded to questions on this in great detail. They have stated my position and have also stated the facts accurately.
>
> This kind of activity, as Mr. Ziegler has indicated, has no place whatever in our electoral process, or in our governmental process. And, as Mr. Ziegler has stated, the White House has had no involvement whatever in this particular incident.
>
> As far as the matter now is concerned, it is under investigation, as it should be by the proper legal authorities, by the District of Columbia Police, and by the FBI. I will not comment on those matters, particularly since possible criminal charges are involved.

Page

30.1 President Nixon news conference, June 22, 1972, 8 Presidential Documents 1078-79. 352

31. On June 23, 1972 H. R. Haldeman met with the President and informed the President of the communication John Dean had received from Acting FBI Director Gray. The President directed Haldeman to meet with CIA Director Richard Helms, Deputy CIA Director Vernon Walters and John Ehrlichman. Haldeman has testified that the President told him to ascertain whether there had been any CIA involvement in the Watergate affair and whether the relationship between some of the Watergate participants and the Bay of Pigs incident was a matter of concern to CIA. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert CIA operations and operations of the White House Special Investigations Unit (the "Plumbers"), not related to Watergate, that had been undertaken previously by some of the Watergate principals. The President directed Haldeman to ask Walters to meet with Gray to express these concerns and to coordinate with the FBI, so that the FBI's investigation would not be expanded into unrelated matters that could lead to disclosure of the earlier activities of the Watergate principals.

Page

31.1 H. R. Haldeman testimony, Subcommittee of the Senate Appropriations Committee, Hearings on Purported Attempt to Involve the Central Intelligence Agency in the Watergate and Ellsberg Incidents, Executive Session, May 31, 1973, 353-54.....356

31.2 President Nixon statement, May 22, 1973, 9 Presidential Documents 693, 696.....358

31.3 H. R. Haldeman testimony, 8 SSC 3040-41.....360

31.4 H. R. Haldeman testimony, 7 SSC 2884.....362

32. In the early afternoon of June 23, 1972 John Mitchell, Campaign Director of CRP, met with Maurice Stans, Chairman of FCRP, in Mitchell's office. They discussed the Dahlberg and the Mexican checks. Stans knew at that time that these checks were campaign contributions that Hugh Sloan, Treasurer of FCRP, had given to Gordon Liddy to be converted to cash.

Page

32.1 John Mitchell testimony, 4 SSC 1659.....364

32.2 Maurice Stans testimony, 2 SSC 725.....365

32.3 Maurice Stans testimony, 2 SSC 699-701.....366

32.4 Maurice Stans testimony, 2 SSC 748.....369

32.5 Hugh Sloan testimony, 2 SSC 575-76.....370

32.6 Maurice Stans calendar, June 23, 1972 (received from SSC).372

32.7 John Mitchell log, June 23, 1972 (received from SSC).....373

32.8 Maurice Stans telephone records, June 23, 1972 (received from SSC).....374

35-780 O - 74 - 4

33. At approximately 1:30 p.m. on June 23, 1972 pursuant to the President's prior directions, H. R. Haldeman, John Ehrlichman, CIA Director Helms and Deputy CIA Director Walters met in Ehrlichman's office. Helms assured Haldeman and Ehrlichman that there was no CIA involvement in the Watergate and that he had no concern from the CIA's viewpoint regarding any possible connections of the Watergate personnel with the Bay of Pigs operation. Helms told Haldeman and Ehrlichman that he had given this assurance directly to Acting FBI Director Gray. Haldeman stated that the Watergate affair was creating a lot of noise, that the investigation could lead to important people, and that this could get worse. Haldeman expressed concern that an FBI investigation in Mexico might uncover CIA activities or assets. Haldeman stated that it was the President's wish that Walters call on Gray and suggest to him that it was not advantageous to push the inquiry, especially into Mexico. According to Ehrlichman, the Mexican money or the Florida bank account was discussed as a specific example of the kind of thing the President was evidently concerned about. Following this meeting, Ehrlichman advised Walters that John Dean was following the Watergate matter on behalf of the White House.

Page

33.1 John Ehrlichman log, June 23, 1972 (received from SSC).....377

33.2 Vernon Walters testimony, 9 SSC 3404-05.....378

33.3 Vernon Walters memorandum for record, June 28, 1972, SSC Exhibit No. 101, 7 SSC 2948-49.....380

Page

33.4 Richard Helms testimony, 8 SSC 3237-39.....382

33.5 H. R. Haldeman testimony, Subcommittee of the Senate Appropriations Committee, Hearings on Purported Attempt to Involve the Central Intelligence Agency in the Watergate and Ellsberg Incidents, Executive Session, May 31, 1973, 353-56, 400-02.....385

33.6 John Ehrlichman testimony, 6 SSC 2563-64.....392

33.7 John Ehrlichman testimony, Subcommittee of the Senate Appropriations Committee, Hearings on Purported Attempt to Involve the Central Intelligence Agency in the Watergate and Ellsberg Incidents, Executive Session, May 30, 1973, 345.....394

33.8 Vernon Walters testimony, 9 SSC 3408.....395

34. On June 23, 1972 at 1:35 p.m., Dean telephoned Gray and said that Walters would be visiting Gray that afternoon. At 2:34 p.m. on the same day Walters met with Gray and discussed the FBI investigation of the break-in at the DNC headquarters. Walters stated that if the FBI investigation were pursued into Mexico it might uncover some covert CIA activities and that the matter should be tapered off with the five men under arrest. Gray agreed to hold in abeyance the FBI interview of Manuel Ogarrio. Gray has testified that the FBI continued its effort to locate Kenneth Dahlberg. Gray reported to Dean the substance of his conversations with Walters.

Page

34.1 L. Patrick Gray log, June 23, 1972, 1-2, (received from SSC).....398

34.2 L. Patrick Gray testimony, 9 SSC 3452-53.....400

34.3 Vernon Walters testimony, 9 SSC 3406-07.....402

34.4 Vernon Walters memorandum for record, June 28, 1972, SSC Exhibit No. 129, 9 SSC 3815.....404

35. On June 23, 1972 at 3:00 p.m. Maurice Stans met at the CRP offices with Kenneth Dahlberg who, at the request of Stans and Fred LaRue, had flown to Washington that day for the meeting. LaRue and Stans discussed the check drawn by Dahlberg, the money from which had reached the bank account of Bernard Barker. At 5:00 p.m. on the same day Dahlberg met with Stans, LaRue and Robert Mardian.

Page

35.1 Maurice Stans calendar, June 23, 1972 (received from SSC). 406

35.2 Maurice Stans testimony, 2 SSC 701.....407

35.3 Maurice Stans telephone records, June 23, 1972 (received from SSC). 408

36. On or before June 26, 1972 Walters determined that there were no CIA sources or activities in Mexico that might be jeopardized by FBI investigations of the Ogarrio check in Mexico. On June 26, 1972 Walters met with John Dean and advised him that there was nothing in any of the FBI investigations that could jeopardize or compromise in any way CIA activities or sources in Mexico.

Page

36.1 Vernon Walters testimony, 9 SSC 3407-09.....410

36.2 Vernon Walters memorandum for record, June 28, 1972, SSC Exhibit No. 130, 9 SSC 3816-17.....413

37. On or about June 27, 1972 John Dean and Fred Fielding, his assistant, delivered to FBI agents a portion of the materials from Howard Hunt's safe. The materials given to the FBI agents included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the FBI agents included fabricated diplomatic cables purporting to show the involvement of the Kennedy administration in the fall of the Diem regime in Vietnam, memoranda concerning the Plumbers unit, a file relating to an investigation Hunt had conducted for Charles Colson at Chappaquidick, and two notebooks and a pop-up address book.

Page

37.1 John Dean testimony, 3 SSC 937-38, 948.....416

37.2 Fred Fielding deposition, May 15, 1973, Democratic National Committee v. McCord, 15, 34-35.....419

37.3 FBI inventory of contents of Hunt's safe, published as insertions in SJC, Gray Nomination Hearings, March 7, 1973, 329-30.....422

37.4 Richard Ben-Veniste statement, United States v. Liddy, November 5, 1973, 3-5.....424

38. On June 26 or 27, 1972 Dean met with Walters and asked if there was any way the CIA could provide the bail money or pay the salaries of the persons arrested in connection with the break-in at the DNC headquarters. Walters said the CIA would do so only on a direct order from the President. According to Dean, his proposal to the CIA had previously been approved by John Ehrlichman. Dean also has testified that he reported to Ehrlichman regarding Walters' negative position on the proposal, and that he was asked by Ehrlichman to push Walters a little harder. Ehrlichman has denied receiving these reports from Dean. On June 28, 1972 at 10:45 a.m. Dean met with Ehrlichman. At 11:30 a.m. Dean telephoned Walters and asked Walters to see him in his EOB office. At this meeting Walters and Dean discussed the Dahlberg check and the Mexican checks, and Dean again asked whether the CIA could do anything to stop the FBI investigation of these checks. Walters said there was nothing his Agency could do.

Page

38.1 John Ehrlichman log, June 26-28, 1972 (received from SSC).....428

38.2 John Dean testimony, 3 SSC 945-48.....429

38.3 Vernon Walters testimony, 9 SSC 3410-12.....433

38.4 John Ehrlichman testimony, 7 SSC 2835.....436

38.5 Vernon Walters memorandum for record, June 28, 1972, SSC Exhibit No. 130, 9 SSC 3816-17.....437

38.6 Vernon Walters memorandum for record, June 29, 1972, SSC Exhibit No. 131, 9 SSC 3818.....439

38.7 Vernon Walters memorandum for record, June 29, 1972, SSC Exhibit No. 132, 9 SSC 3819-20.....440

39. On the morning of June 27, 1972 Gray met with Mark Felt and Charles Bates of the FBI to receive a briefing on the latest Watergate break-in developments. During that briefing Dean telephoned Gray. Gray has testified that in the ensuing conversation he told Dean that if Dahlberg continued to evade the FBI, Dahlberg would be called before a grand jury. Gray also has testified that he asserted to Dean the importance of an aggressive FBI investigation to determine the motive and identity of all persons involved.

On June 27, 1972 CIA Director Helms received a memorandum from the Chief of the Western Hemisphere Division of the CIA stating that there were no CIA traces on Manuel Ogarrio and that the CIA's last contact with a person named Kenneth Dahlberg occurred in 1961 and concerned the manufacturing of a hearing aid for a high level Peruvian. Later that day, Helms told Gray that the CIA had no interest in Ogarrio. Helms confirmed with Gray their plan to meet the following day.

Page

39.1 Memorandum from CIA Western Hemisphere Chief to Director Helms, June 27, 1972 (received from CIA).....444

39.2 L. Patrick Gray log, June 27, 1972, 1-2 (received from SSC).....445

39.3 L. Patrick Gray testimony, 9 SSC 3454.....447

40. On June 28, 1972 at 10:25 a.m. Dean telephoned L. Patrick Gray about rumors of leaks from the FBI, the material from Hunt's safe, a slowdown in the investigation, and the tracing of the Mexican money. According to Gray, he may have told Dean during this conversation of the meeting he had scheduled with Helms for 2:30 p.m. that day. At 10:45 a.m. Dean met with John Ehrlichman. At 10:55 a.m. Ehrlichman telephoned Gray. Gray has testified that when he returned the call at 11:17 a.m., Ehrlichman said, "Cancel your meeting with Helms and Walters today; it is not necessary." At 11:23 a.m. Gray called Helms to cancel their meeting. Helms asked Gray to call off interviews which the FBI had scheduled with two CIA employees. (In July 1971, pursuant to a request from Ehrlichman to Deputy CIA Director Robert Cushman, the two CIA employees had provided Howard Hunt with disguises, hidden cameras, and other material for use in domestic clandestine operations. In requesting CIA assistance for Hunt, Ehrlichman had told Cushman that Hunt "has been asked by the President to do some special consulting work on security problems.")

Page

40.1 L. Patrick Gray log, June 28, 1972, 1-2 (received from SSC).....451

40.2 L. Patrick Gray testimony, 9 SSC 3454-55.....453

40.3 John Ehrlichman log, June 28, 1972 (received from SSC).....455

40.4 John Ehrlichman testimony, 6 SSC 2562-63.....456

40.5 Richard Helms testimony, 8 SSC 3241.....458

40.6 Memorandum from Richard Helms to Vernon Walters, June 28, 1972 (received from CIA).....459

40.7 CIA employee affidavit, May 18, 1973 (received from CIA).....460

40.8 Partial transcript of telephone call from John Ehrlichman to General Robert Cushman, July 7, 1971, and accompanying affidavit of CIA employee, February 5, 1974 (received from CIA).....467

41. On June 28, 1972 Helms wrote a memorandum to Walters stating the substance of Helms' conversation with Gray. Helms stated the CIA still adhered to its request that the FBI confine its investigation to the persons already arrested or directly under suspicion and that the FBI not expand its investigation into other areas which might eventually run afoul of CIA operations.

Page

41.1 Memorandum from Richard Helms to Vernon Walters, June 28, 1972 (received from CIA).....472

42. On June 28, 1972 Gray directed that the FBI interview Manuel Ogarrio and continue its efforts to locate and interview Kenneth Dahlberg. On that evening John Dean telephoned Gray at home and urged that, for national security reasons or because of CIA interest, efforts to interview Ogarrio and Dahlberg be held up. Gray thereafter cancelled the interviews.

Page

42.1 L. Patrick Gray testimony, 9 SSC 3455-56.....474

43. On June 28, 1972 FBI agents met with Gordon Liddy, in the presence of FCRP attorney Kenneth Parkinson, to question Liddy regarding the break-in at the DNC headquarters. When Liddy declined to answer the agents' questions, he was discharged by FCRP Chairman Maurice Stans.

Page

43.1 Gordon Liddy deposition, O'Brien [Democratic National Committee] v. McCord, August 24, 1972, 37-41.....478

44. On or about June 28, 1972 John Dean was informed that the FBI was attempting to interview Kathleen Chenow, the secretary of David Young and Egil Krogh in the White House Special Investigations Unit (the "Plumbers"). (The number of a telephone billed to Chenow at her home address but located in the EOB was contained in a personal book of telephone numbers of Eugenio Martinez and in an address book of Bernard Barker found in the Watergate hotel room that had been occupied by certain of the men arrested in the DNC headquarters.) Dean has testified that he informed John Ehrlichman of problems connected with Chenow's interview and Ehrlichman agreed that before her FBI interview Chenow should be briefed not to disclose the activities of Howard Hunt and Gordon Liddy while at the White House. On June 28, 1972 Dean telephoned Acting FBI Director Gray and requested that Chenow's interview be temporarily held up for reasons of national security. Gray agreed to the request.

Page

44.1 John Dean testimony, 3 SSC 941.....484

44.2 E. Howard Hunt testimony, SSC Executive Session, May 14, 1973, 311-12.....485

44.3 L. Patrick Gray testimony, 9 SSC 3455-56.....487

44.4 Washington, D. C. Police Department evidence report, June 20, 1972, identifying Bernard Barker address book, Exhibit 38-A, United States v. Liddy.....489

44.5 Washington, D. C. Police Department evidence report, June 20, 1972, identifying Eugenio Martinez telephone directory, Exhibit 54-S-1, United States v. Liddy.....492

44.6 SSC report of Kathleen Chenow FBI 302 interview, July 3, 1972 (received from SSC).....495

44.7 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, February 28, 1973, 127.....496

44.8 Kathleen Chenow telephone records, 2/72 - 4/72 (received from SSC).....497

45. On June 28, 1972 Gray met with John Ehrlichman and John Dean. At this meeting Gray was given two folders containing documents which he was told had been retrieved from Howard Hunt's safe and had not been delivered to FBI agents when the remainder of the contents of the safe was delivered on June 27, 1972. Gray was told that these documents were politically sensitive, were unrelated to Watergate, and should never be made public. Dean did not deliver to Gray the two notebooks and pop-up address book that had been found in Hunt's safe; Dean has related that he discovered these items in a file folder in his office in late January 1973, at which time he shredded the notebooks and discarded the address book.

Page

45.1 John Ehrlichman log, June 28, 1972 (received from SSC).....502

45.2 L. Patrick Gray testimony, 9 SSC 3467.....503

45.3 John Ehrlichman testimony, 7 SSC 2835-36.....504

45.4 John Ehrlichman testimony, 6 SSC 2614.....506

45.5 John Dean testimony, 4 SSC 1362-65.....507

45.6 Richard Ben-Veniste statement, United States v. Liddy, November 5, 1973, 3-4.....511

46. On June 30, 1972 the President met with H. R. Haldeman and John Mitchell. A portion of their discussion related to the Watergate break-in.

Page

46.1 Tape recording of a portion of a meeting among the President, H. R. Haldeman and John Mitchell on June 30, 1972 and House Judiciary Committee transcript thereof.....514

35-780 O - 74 - 5

47. On July 2, 1972 Fred Fielding, staff assistant to John Dean, flew to England, where Kathleen Chenow was vacationing, to bring Chenow back to Washington. On or about July 3, 1972 Chenow discussed her forthcoming FBI interview with Fielding and Plumbers Unit member David Young. Dean and Fielding were present when the FBI interviewed Chenow.

Page

47.1 John Dean testimony, 3 SSC 941.....518

48. On July 5, 1972 at 5:54 p.m. Acting FBI Director Gray phoned Deputy CIA Director Walters and stated that, unless the CIA provided by the following morning a written rather than the verbal request to refrain from interviewing Manuel Ogarrio and Kenneth Dahlberg, the FBI would go forward with those interviews. At 10:05 a.m. on July 6, 1972 Walters met with Gray and furnished Gray a memorandum indicating that the CIA had no interest in Ogarrio or Dahlberg. Gray then ordered that Ogarrio and Dahlberg be interviewed. At 10:51 a.m. Gray called Clark MacGregor, Campaign Director of CRP, who was with the President at San Clemente, California. Gray has testified that he asked MacGregor to tell the President that Gray and Walters were uneasy and concerned about the confusion during the past two weeks in determining whether the CIA had any interest in people whom the FBI wished to interview in connection with the Watergate investigation. Gray also has testified that he asked MacGregor to tell the President that Gray felt that people on the White House staff were careless and indifferent in their use of the CIA and FBI, that this activity was injurious to the CIA and the FBI, and that these White House staff people were wounding the President. MacGregor has denied both receiving this call and the substance of it as related by Gray, but has testified to receiving a call from Gray on another subject the previous evening or possibly that morning. (By letter of July 25, 1973 to Archibald Cox, J. Fred Buzhardt stated that the President's logs do not show any conversations or meetings between the President and Clark MacGregor on July 6, 1972. The President's log for that date shows meetings between the President and MacGregor

from 10:40 a.m. to 12:12 p.m., Pacific time.) At 11:28 a.m. the President telephoned Gray. Gray told the President that he and Walters felt that people on the President's staff were trying to mortally wound the President by using the CIA and the FBI. The President responded by instructing Gray to continue to press ahead with the investigation.

Page

48.1 L. Patrick Gray log, July 5, 1972 (received from SSC).....521

48.2 L. Patrick Gray testimony, 9 SSC 3457-58.....522

48.3 L. Patrick Gray log, July 6, 1972, 1-2 (received from SSC).....524

48.4 Vernon Walters testimony, 9 SSC 3413-14.....526

48.5 Vernon Walters memorandum for record, July 6, 1972, SSC Exhibit No. 97, 7 SSC 2913-14.....528

48.6 Memorandum from Vernon Walters to Acting Director of the FBI, July 6, 1972, SSC Exhibit No. 142, 9 SSC 3850-52.....530

48.7 Clark MacGregor testimony, 12 SSC 4914-19.....533

48.8 Letter from Archibald Cox to J. Fred Buzhardt, July 10, 1973 and letter from J. Fred Buzhardt to Archibald Cox, July 25, 1973 (received from Watergate Special Prosecution Force).....539

48.9 President Nixon daily diary, July 6, 1972, 1-3 (received from White House).....544

48.10 John Ehrlichman testimony, 7 SSC 2783-84.....547

48.11 President Nixon statement, May 22, 1973, 9 Presidential Documents 693, 696.....549

48.12 L. Patrick Gray testimony, Watergate Grand Jury, July 19, 1973, 101-03 (received from Watergate Grand Jury).....551

49. In July 1972 Dean obtained from Gray various interview and investigative reports of the FBI investigation of the break-in at the DNC headquarters. Dean has testified that he showed these reports to the attorneys for CRP and to CRP officials. Previously Dean had asked Attorney General Kleindienst for access to FBI interview reports and Attorney General Kleindienst had refused his request.

Page

49.1 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, March 21, 1973, 620-21.....556

49.2 John Dean testimony, 3 SSC 945.....558

49.3 John Dean testimony, 4 SSC 1361.....559

49.4 Richard Kleindienst testimony, 9 SSC 3564.....560

50. On or about Friday July 28, 1972 a grand jury subpoena was served on Maurice Stans, Chairman of FCRP, to testify in connection with the investigation of the break-in at the DNC headquarters about his knowledge of the purpose for which campaign funds were spent. The President requested that John Ehrlichman determine if Stans could testify by deposition instead of being subjected to a personal appearance before the grand jury. John Dean called Henry Petersen, Assistant Attorney General in charge of the Criminal Division, and requested that Stans' testimony be taken at the offices of the Department of Justice rather than before the grand jury. Petersen had previously agreed to this arrangement in the case of testimony by members of the White House staff. Petersen told Dean that this procedure could not be used for Stans, and Dean reported that response to Ehrlichman. On Saturday, July 29, 1972 Ehrlichman called Petersen and requested that Stans not be compelled to appear before the grand jury. Ehrlichman accused the prosecutors of harassing Stans. On Sunday, July 30, 1972 Ehrlichman called Attorney General Kleindienst. Ehrlichman reported that Petersen had refused to follow his instructions. The next day Kleindienst, Petersen and Assistant United States Attorney Earl Silbert met in Petersen's office. They agreed that Stans would be questioned under oath at the Department of Justice and not before the grand jury. On August 2, 1972 Stans was questioned in Petersen's conference room. According to Stans, in August the President called Stans and told him that he appreciated the sacrifice that Stans was

making in not answering questions for the press and hoped that he could continue to take it.

		Page
50.1	Earl J. Silbert statement to the Senate Judiciary Committee in response to "A Report to the Special Prosecutor on certain aspects of the Watergate Affair," March 4, 1974, 27-28 (received from Senate Judiciary Committee)	563
50.2	John Dean testimony, 3 SSC 954	565
50.3	John Ehrlichman testimony, 7 SSC 2699-2700	566
50.4	Henry Petersen testimony, 9 SSC 3618-19	568
50.5	Richard Kleindienst testimony, 9 SSC 3564-65	570
50.6	Robert W. Barker (counsel for Maurice Stans) statement, 2 SSC 682	572
50.7	Maurice Stans testimony, 2 SSC 726	573

51. John Ehrlichman has testified that on July 31, 1972 Ehrlichman, John Dean and Attorney General Kleindienst met and discussed whether Jeb Magruder was involved in the break-in at the DNC and that shortly thereafter Ehrlichman discussed the meeting with the President. Kleindienst has testified he does not recall the meeting. In August, 1972, after Magruder's testimony before the grand jury investigating the break-in at the DNC headquarters, Dean called Assistant Attorney General Henry Petersen to find out how Magruder had done when testifying. Petersen called Assistant United States Attorney Silbert and discussed Magruder's testimony. Petersen has testified that he told Dean that while Magruder was a very articulate young man, nobody believed Magruder's story that he did not know the purposes for which campaign funds had been spent.

Page

51.1 John Ehrlichman log, July 31, 1972 (received from SSC).....576

51.2 John Ehrlichman testimony, 6 SSC 2554-55.....577

51.3 Richard Kleindienst testimony, 9 SSC 3566-67.....579

51.4 John Dean testimony, 3 SSC 952.....581

51.5 Henry Petersen testimony, 9 SSC 3617, 3651.....582

51.6 Earl Silbert testimony, SJC, Nomination of Earl Silbert to be United States Attorney for the District of Columbia, April 23, 1974, 51-53.....584

52. At the end of August 1972 John Ehrlichman met with the President and discussed what public statements the President should make about the White House and CRP involvement in the June 17th break-in. The President decided that he would state that there was no involvement of present White House employees. On August 29, 1972 in a press conference the President stated that John Dean, under the President's direction, had conducted a complete investigation of all leads that might involve any present members of the White House staff or anybody in the Government. The President said, "I can say categorically that his investigation indicates that no one in the White House staff, no one in this Administration, presently employed, was involved in this very bizarre incident." John Dean has denied conducting that investigation. The President also stated that the FBI and the Department of Justice had had the total cooperation of the White House and that CRP was continuing its investigation.

Page

52.1 John Ehrlichman testimony, 7 SSC 2726.....588

52.2 President Nixon news conference, August 29, 1972, 8 Presidential Documents 1306.....589

52.3 John Dean testimony, Watergate Grand Jury, November 19, 1973, 48-50 (received from Watergate Grand Jury).....590

53. On September 15, 1972 the President met with H. R. Haldeman and John Dean. Certain subjects were discussed in the course of the September 15, 1972 meeting:

	Transcript Page
Filing of indictment against seven Watergate defendants	4-6
Manner in which Dean has handled Watergate matter	17
Human frailties and bitterness between Finance Committee and Political Committee	20-21
Governmental power and political opponents	21-25, 35-36
White House and Watergate matter	32-33

Page

53.1 Tape recording of a meeting among the President, H. R. Haldeman and John Dean on September 15, 1972 and House Judiciary Committee transcript thereof....594

53.2 H. R. Haldeman's notes of meeting with the President on September 15, 1972 (received from Watergate Grand Jury)....637

53.3 H. R. Haldeman's notes of listening to tape recording of a meeting with the President and John Dean on September 15, 1972 (received from Watergate Grand Jury)....639

54. On October 5, 1972 the President held a press conference. He stated that the FBI had conducted an intensive investigation of Watergate because "I wanted to be sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-Election had anything to do with this kind of reprehensible activity."

Page

54.1 President Nixon news conference, October 5, 1972, 8 Presidential Documents 1486, 1489.....648

55. On December 15, 1972 John Ehrlichman met with CIA Director Richard Helms, William Colby of the CIA, and John Dean. They discussed answers to questions posed by Assistant Attorney General Henry Petersen and Assistant U. S. Attorney Earl Silbert. Colby had disclosed on November 27, 1972 to the Federal prosecutors that Ehrlichman was the person who had requested CIA assistance for Howard Hunt in 1971. They also discussed the materials turned over by the CIA to the Justice Department on October 24, 1972.

Page

55.1 John Ehrlichman log, December 15, 1972 (received from SSC).....652

55.2 William Colby testimony, Senate Armed Services Committee, nomination of William Colby to be Director of Central Intelligence Agency, July 25, 1973, 163-64, 166.....653

55.3 William Colby testimony, Senate Armed Services Committee Executive Session, May 14, 1973, 110.....656

55.4 Henry Petersen testimony, 9 SSC 3622-23.....657

56. On January 8, 1973 former CIA Deputy Director Cushman sent a memorandum to John Ehrlichman identifying as the person who requested CIA assistance for Howard Hunt in 1971 one of the following: Ehrlichman, Charles Colson or John Dean. On January 10, 1973 after discussions with Ehrlichman and Dean, Cushman changed the memorandum to state that he did not recall the identity of the White House person who requested assistance for Hunt.

Page

56.1 John Dean testimony, 3 SSC 977-78.....660

56.2 Robert Cushman testimony, 8 SSC 3295-97.....662

56.3 Memorandum from Robert Cushman to John Ehrlichman, January 8, 1973, SSC Exhibit No. 125, 8 SSC 3390.....665

56.4 Memorandum from Robert Cushman to John Ehrlichman, January 10, 1973, SSC Exhibit No. 126, 8 SSC 3391.....666

56.5 Partial transcript of telephone call from John Ehrlichman to General Robert Cushman, July 7, 1971 with accompanying CIA employee affidavit, February 5, 1974 (received from CIA).....667

57. Early in 1973 John Dean met with Assistant Attorney General Petersen. Petersen showed Dean documents delivered by the CIA to the Department of Justice, including copies of the photographs connecting Howard Hunt and Gordon Liddy with Dr. Fielding's office. On a second occasion prior to February 9, 1973 Dean met with Petersen and discussed what the Department of Justice would do if requested by the CIA to return materials. Petersen told him that an indication that the materials had been sent back to the CIA would have to be made in the Department's files.

Page

57.1 John Dean testimony, 3 SSC 978.....672

58. On February 9, 1973 Dean called CIA Director James Schlesinger. Dean suggested that the CIA request the Department of Justice to return a package of materials that had been sent to the Department of Justice in connection with the Watergate investigation. Deputy CIA Director Walters contacted Dean on February 21, 1973 and refused Dean's request.

Page

58.1 James Schlesinger memorandum for the record, February 9, 1973, SSC Exhibit No. 135, 9 SSC 3825-26.....674

58.2 James Schlesinger testimony, Senate Armed Services Committee, May 14, 1973, 146-47.....676

58.3 Vernon Walters memorandum of conversation on February 21, 1973, May 11, 1973, SSC Exhibit No. 136, 9 SSC 3827.....678

58.4 John Dean testimony, 3 SSC 978-79.....679

STATEMENT OF INFORMATION

AND

SUPPORTING EVIDENCE

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

June 17, 1972 - February 9, 1973

1. On June 17, 1972 shortly after 2:00 a.m. five persons, including James McCord, a security consultant for the Committee for the Re-election of the President (CRP), were arrested in the Watergate headquarters of the Democratic National Committee (DNC). Immediately after the arrests, Howard Hunt and Gordon Liddy left the Watergate Hotel. Hunt took with him a briefcase belonging to McCord that contained electronic equipment, went to his office in the Executive Office Building (EOB), and withdrew from a safe located in his EOB office $10,000 previously provided to him by Liddy for use in case there was a mishap. Hunt placed McCord's briefcase in the safe. In the early morning hours, he delivered the money to an attorney on behalf of the five persons arrested at the DNC headquarters.

Page

1.1 Paul Leeper testimony, 1 SSC 96, 105-06..... 72

1.2 James McCord testimony, 1 SSC 126..... 75

1.3 E. Howard Hunt testimony, 9 SSC 3688-89..... 76

Sergeant LEEPER. In the area of the Watergate complex, the White House area.

Mr. DASH. Was that your position on June 17, 1972?

Sergeant LEEPER. Yes, sir. We were working that area.

Mr. DASH. Now, Sergeant, is the dress that you are presently wearing at this committee hearing the type of dress that you usually wear in your vocation?

Sergeant LEEPER. No, sir.

Mr. DASH. What is your usual dress?

Sergeant LEEPER. Well, we vary it from anything from old Army shirts, golf jackets, golf hats, casual clothes. I had a pair, on the night in question, a pair of blue slacks on, a blue jacket with a university written across the front of it, and a golf cap.

Mr. DASH. And in the police automobile that you use, is this a marked automobile or unmarked?

Sergeant LEEPER. No, sir, it is unmarked.

Mr. DASH. Was that the kind of automobile that you were in on June 17, 1972?

Sergeant LEEPER. Yes, sir.

Mr. DASH. Thank you.

Now, can we first have chart 5. While they are getting the chart, Sergeant, can you tell us did there come a time sometime early in the morning of or of June 17 or late in the evening, whatever time it occurred of June 16, that you received a call to come to the vicinity of the Watergate complex in Washington, D.C.?

Sergeant LEEPER. Yes, sir.

Mr. DASH. What was the nature of that call?

Sergeant LEEPER. Well, the call came out about 0152 hours on the morning of the 17th, Saturday, and the call originally came out for any scout car, which would be a marked car vehicle in the Police Department and official in it to respond to the Watergate, 2600 Virginia Avenue, to assist a special officer, the official vehicle would be a sergeant, lieutenant, or a captain's cruiser. These would be marked vehicles. No one answered that, and the dispatcher, the police dispatcher came over the air and asked if there was any TAC unit in the area.

Senator BAKER. Any what?

Sergeant LEEPER. They refer to us as casual clothes, tactical squads and they have other squads.

Senator BAKER. TAC unit.

Mr. DASH. Authority for tactical unit.

Sergeant LEEPER. Tactical unit. Yes, sir, and at this time I was working in cruiser 727, which is an unmarked police vehicle with Officer John Barrett and Officer Carl Shoffler.

Mr. DASH. Where were you located when you received that call?

Sergeant LEEPER. We were in the area of about K and 30th, Washington, D.C.

Mr. DASH. How close was it to the Watergate complex?

Sergeant LEEPER. Approximately a minute and a half, 2 minutes away.

Mr. DASH. If you can see the chart which is on the easel, and if not, can you go to it, do you recognize the photograph that appears on that easel?

Sergeant LEEPER. Yes, sir; it is of the Watergate complex.

Senator BAKER. Just one second, just a second, I do not mean to unduly interrupt counsel, but just so I can keep the continuity in my mind, that man across the street was in the Howard Johnson?

Sergeant LEEPER. That is correct.

Senator BAKER. Where?

Sergeant LEEPER. He was out on the balcony. I did not see him, Senator. It was just called to my attention by Officer Shoffler.

Senator BAKER. But you knew he was watching you?

Sergeant LEEPER. Yes, sir.

Senator BAKER. How long did he watch?

Sergeant LEEPER. I do not know, sir. I did not even look over. I just——

Senator BAKER. You had your guns out?

Sergeant LEEPER. I did not have my gun out but Officer Shoffler had his weapon out.

Senator BAKER. And you were on the floor of the DNC, the Democratic National Committee?

Sergeant LEEPER. Yes, sir.

Senator BAKER. The balcony outside?

Sergeant LEEPER. Well, it is referred to as the terrace.

Senator BAKER. Who was that fellow?

Sergeant LEEPER. It was later found to be James Baldwin.

Senator BAKER. Do you know how long Baldwin watched?

Sergeant LEEPER. I think from the time we pulled up in front here, sir.

Mr. DASH. All right. Then, what did you do? Did you leave the terrace at that time?

Sergeant LEEPER. Yes, sir, we responded back in the area of the hallway and we met up again with Officer Barrett down to this area, checking the offices that were open as we came down the hallway, and we came into this room here through a glass door, Officer Barrett was the first man followed by myself and Officer Shoffler. Officer Barrett responded up to this area here and I started into this little secretarial cubicle here, Officer Shoffler was somewhere in this area and at this point I heard Officer Barrett yell: "Hold it, come out."

Mr. DASH. Where was that voice coming from?

Sergeant LEEPER. Officer Barrett?

Mr. DASH. Yes; where was that voice coming from?

Sergeant LEEPER. Right in this area here, Officer Barrett was right in this area. At this time I responded back out of the cubicle into this cubicle, jumped up on the desk, drawing my weapon and when I looked over this glass partition there were five men standing in front of a desk with their hands either raised above their heads or at least shoulder high wearing blue surgical gloves.

Mr. DASH. What, if anything, did you see them doing at the time that their hands were up when you had your guns out on them?

Sergeant LEEPER. Some of the gentlemen, sir, had tried to remove the gloves by using, you know, taking one hand and trying to throw it off with the other.

Mr. DASH. Did you notice any kind of equipment or paraphernalia in and around where you found the men?

Sergeant LEEPER. Yes, sir. One of the men had, was carrying an a.w.o.l. bag, an overnight bag, semilarge brown bag with his coat

draped over it contained various items, cameras, bulbs, clamps for clamping the cameras to the desk, walkie-talkies, things of this sort.

Mr. DASH. Now, just going down toward the corner there from that room where you apprehended the men, the corner toward the bottom right corner, go all the way down to the large office in the corner there.

Sergeant LEEPER. Right in here, sir.

Mr. DASH. No; the large office in the corner, the very edge, whose office is that?

Sergeant LEEPER. That is the office of the chairman at that time of the Democratic Party was Lawrence F. O'Brien.

Mr. DASH. And was there entrance to that office from or access to it from where you found the men you apprehended?

Sergeant LEEPER. Yes, sir. As you can see by the chart, sir, you had access to that office.

Mr. DASH. And next to that office, to the left, whose office was that?

Sergeant LEEPER. That is the deputy chairman, sir, Stanley L. Gray.

Mr. DASH. Now, you at that point, what did you do with the men he apprehended at that point?

Sergeant LEEPER. We ordered them out from behind the desk and lined them up along the wall, facing the wall, hands on the wall, feet spread apart, and at that time I informed them who we were, they were under arrest for burglary and advised them of their rights and at that time, I directed Officer Barrett to begin a systematic search of each man.

Mr. DASH. Did you notice anything unusual about these men when you arrested them, the way they were dressed?

Sergeant LEEPER. They were well dressed, sir, in either suits, sport coats and ties.

Mr. DASH. Now, do you know the names of those people, did they give their names at that time to you?

Sergeant LEEPER. At that time, no, sir.

Mr. DASH. Did they give any names to you?

Sergeant LEEPER. Later, when they were booked in the precinct, taken to headquarters, 2301 L Street, they gave us names which later proved to be false names, aliases.

Mr. DASH. Did you later find out who they were?

Sergeant LEEPER. Yes, sir.

Mr. DASH. Could you name the persons who you arrested in that location by the names that later found out who they were to be?

Sergeant LEEPER. Frank Sturgis, Bernard L. Barker, James McCord, Eugenio Martinez, and I think it was Virgilio Gonzales.

Senator ERVIN. Virgilio Gonzales?

Sergeant LEEPER. I believe that is the way he pronounces his name.

Mr. DASH. Did you accompany them down to the station house?

Sergeant LEEPER. Yes, sir, we sent three of them down in a patrol wagon, one was transported, I think Mr. McCord, was transported in 83 scout and I transported Mr. Barker in the old clothes TAC unit, the unmarked cruiser.

Mr. DASH. At a later time did you come back and make any search of any room in the Watergate complex?

Sergeant LEEPER. I came back to the Watergate complex but the search was made by the Mobile Crime Unit. At the time we could

Mr. McCORD. I received on retirement in August 1970 the Distinguished Service Award for outstanding performance of duty with CIA. I received some others.

Mr. DASH. Now, prior to your arrest, indictment, and conviction relating to the Watergate incident, were you ever arrested, charged with a crime, or the subject of any complaint or disciplinary proceeding in your life?

Mr. McCORD. I have had traffic violations in the Washington area; yes, sir.

Mr. DASH. Is that all?

Were you an employee of the Committee To Re-Elect the President?

Mr. McCORD. Yes.

Mr. DASH. What position did you hold and what were your duties?

Mr. McCORD. I came aboard first as a security consultant part time in September of 1971.

Mr. DASH. By the way, how did you get that job?

Mr. McCORD. I was introduced initially by Mr. John Caulfield and Mr. Odle, the Director of Administration who testified yesterday, and based on that interview was employed part time and then full time in January, the first of January 1972.

Mr. DASH. Now, what were your duties in that position as security chief?

Mr. McCORD. The duties were essentially the function of the protection of the property and the lives of the personnel of the committee in that facility there and subsequently in the facility at Miami, Fla., that the committee and some of the White House staff would occupy during the Republican Convention in August of 1972. The duties were primarily those of physical security protection of personnel security, some document security, and some protective work for the family of John Mitchell.

Mr. DASH. Now, were those duties, and that assignment that you have just described under whose direction did you work?

Mr. McCORD. Primarily under the direction of Mr. Robert Odle who was my immediate supervisor in the committee. The responsibility with Mr. Mitchell and his family, I received directions from him, from Mrs. Mitchell, from Robert Odle and Mr. Liddy.

Mr. DASH. Did there come a time when you worked under the direction of Gordon Liddy?

Mr. McCORD. Yes, I did.

Mr. DASH. What was Mr. Liddy's position at that time?

Mr. McCORD. He was at first from December until about March 19—December 1971 to about March 1972—general counsel for the Committee To Re-Elect the President. Thereafter he was—occupied the same position with the finance committee for the reelection of the President.

Mr. DASH. When did this arrangement begin or, in which capacity did you work under his direction, Mr. McCord, with Mr. Liddy?

Mr. McCORD. The first discussions of the arrangements began sometime in January 1972. Early January.

Mr. DASH. Could you briefly state for the committee, Mr. McCord, what it was that Mr. Liddy wanted you to do?

Mr. McCORD. I can give a bit of a background if you want that. When he first came aboard the committee in December 1971 he began to—we struck up an acquaintance, we had had a contact on it, and

Mr. DASH. All right now, Mr. Hunt, with regard to the Democrat Convention in Miami, did you give any assignments to Mr. Barker?

Mr. HUNT. I did.

Mr. DASH. And what, if any, assignment did you give Mr. Barker?

Mr. HUNT. We are speaking now only of the Democratic Convention.

Mr. DASH. Democratic.

Mr. HUNT. Mr. Barker's principal assignment was to develop a network of informants along the Miami Beach hotel complex who could report to us concerning campaign developments, convention developments, policies of individual Democratic candidates.

Mr. DASH. Did he also have an assignment to procure a houseboat as a base for electronic surveillance?

Mr. HUNT. Yes.

Mr. DASH. And did he also have an assignment to recruit some persons who might be disreputable looking young men, hippies, to pose as McGovern supporters?

Mr. HUNT. Yes.

Mr. DASH. What were they supposed to do?

Mr. HUNT. They were supposed to demonstrate in front of the Doral Hotel some evening and behave outrageously to bring discredit upon the bulk of the useful McGovern supporters.

Mr. DASH. Now, Mr. Hunt, I think you, in fact, did participate in the break-in of the Democratic National Committee headquarters at the Watergate on or about May 27, 1972, is that not true?

Mr. HUNT. I do not know if the word "participate" embraces it——

Mr. DASH. You did not make an entry yourself?

Mr. HUNT. No, sir. I participated in it.

Mr. DASH. And is it not true that you recruited Mr. Barker to bring up the team of Cuban-Americans to assist in this plan?

Mr. HUNT. Yes, sir.

Mr. DASH. And is it true that it was his job to engage in photographing Democratic Party documents?

Mr. HUNT. Yes, sir.

Mr. DASH. Now, it is true, is it not, that you also participated in the second break-in, using the "participating" as you indicated before that you definitely did not break in the Democratic National Committee headquarters on June 18, 1972?

Mr. HUNT. Yes, sir.

Mr. DASH. Where were you situated when the entry team was arrested?

Mr. HUNT. In room 214 of the Watergate Hotel, which is another building.

Mr. DASH. What did you do immediately after you were made aware that an arrest had taken place?

Mr. HUNT. I closed up Mr. McCord's briefcase, which contained electronic equipment, and with Mr. Liddy, we left the premises. I drove to the White House, where I inserted the briefcase belonging to Mr. McCord, into my two-drawer safe. I went—I believe I called Mr. Douglas Caddy's apartment, he being an attorney.

Mr. DASH. Who is Mr. Caddy?

Mr. HUNT. Mr. Douglas Caddy, an attorney and a former employee of the Mullen Co., and asked him if he could receive me at that early hour of the morning.

Mr. DASH. Did you take any money out of the safe?

Mr. HUNT. Yes, sir, I did.

Mr. DASH. How much?

Mr. HUNT. I took out $10,000.

Mr. DASH. Where did you get that money?

Mr. HUNT. That was contingency money that had been provided me by Mr. Liddy.

Mr. DASH. Contingency just in case there was this kind of trouble?

Mr. HUNT. Yes, sir; in case there was a mishap.

Mr. DASH. What did you do with that money?

Mr. HUNT. I took it during the course of the early morning to Mr. Caddy's apartment and gave it to him on behalf of the five men who had been arrested.

Mr. DASH. Did you make an analysis or review of the contents of your safe at that time or a later time?

Mr. HUNT. No, sir; not at that time.

Mr. DASH. When did you, if you did?

Mr. HUNT. Excuse me.

Mr. DASH. Mr. Hunt, this might help you. Do you recall returning to your office at the EOB and looking through the contents of your safe?

Mr. HUNT. Yes, sir.

Mr. DASH. And do you recall that that was on or about June 19, 1972?

Mr. HUNT. Yes, sir.

Mr. DASH. Just very briefly, can you describe the contents of your safe at that time, what you had in there?

Mr. HUNT. Well, there was a great deal of material, Mr. Dash.

Mr. DASH. Just by category.

Mr. HUNT. There were the fabricated Vietnamese cables that I had shown to Mr. Colson, Mr. Conein, and Mr. Lambert. There was material relating to Gemstone; there were transcripts of my conversations with Mr. Clifton De Motte, for example. There was a very substantial amount of material, part of which was shown me at the time of discovery by the U.S. attorney—perhaps I am not being responsive.

Mr. DASH. Yes, you are being responsive. Did it also include the briefcase which included Mr. McCord's electronic equipment?

Mr. HUNT. Oh, yes; that was there.

Mr. DASH. Now, did you inform anyone on that day of the contents of your safe?

Mr. HUNT. I did.

Mr. DASH. Who was that?

Mr. HUNT. Mr. Colson's secretary.

Mr. DASH. What is her name?

Mr. HUNT. Her name was Mrs. Joan Hall.

Mr. DASH. Did you characterize or say anything about the contents?

Mr. HUNT. Yes, sir; I did.

Mr. DASH. What did you say?

Mr. HUNT. Before I left the White House for the last time, I stopped by Mr. Colson's office, not to see him but simply to inform Mrs. Hall, whom I knew held the combination to my safe, that it contained sensitive material. I simply said to her, "I just want you to know that that safe is loaded."

2. At the time of the arrests at the Watergate headquarters of the DNC, electronic surveillance and photographic equipment and approximately $1,500 in cash were found in the possession of the persons arrested. A subsequent search of rooms in the Watergate Hotel that had been rented under alias names used by certain of the persons arrested produced a directory containing a White House telephone number for Howard Hunt, a check drawn by E. Howard Hunt, and 32 sequentially numbered $100 bills. (These bills had been received from a Florida bank into which Barker had deposited five checks contributed to the President's re-election campaign. Four of these checks totalling $89,000 had been drawn on a Mexican bank payable to Manuel Ogarrio, a Mexican lawyer. The fifth check totalling $25,000 had been drawn by Kenneth Dahlberg. These checks had been delivered to Gordon Liddy by FCRP Treasurer Hugh Sloan to be converted into cash.)

		Page
2.1	Paul Leeper testimony, 1 SSC 96, 105-08.....	81
2.2	Memorandum from Vernon Walters to L. Patrick Gray, July 7, 1972, SSC Exhibit No. 143, 9 SSC 3853.....	86
2.3	Hotel registration records, June 16, 1972, for R. Godoy (Virgilio Gonzalez), J. DiAlberto (Frank Sturgis), J. Valdez (Eugenio Martinez), and F. Carter (Bernard Barker), Exhibits 88-91, United States v. Liddy.....	87
2.4	United States v. Liddy indictment, September 15, 1972, Count One, paragraphs 1-15.....	89
2.5	Metropolitan Police Department, Washington, D. C., Supplementary Evidence Report, June 20, 1972, 12, 24-25.....	92
2.6	L. Patrick Gray testimony, 9 SSC 3451.....	95

Page

2.7 John Dean testimony, 3 SSC 942-43..... 96

2.8 Hugh Sloan testimony, 2 SSC 575-76..... 98

Sergeant LEEPER. In the area of the Watergate complex, the White House area.

Mr. DASH. Was that your position on June 17, 1972?

Sergeant LEEPER. Yes, sir. We were working that area.

Mr. DASH. Now, Sergeant, is the dress that you are presently wearing at this committee hearing the type of dress that you usually wear in your vocation?

Sergeant LEEPER. No, sir.

Mr. DASH. What is your usual dress?

Sergeant LEEPER. Well, we vary it from anything from old Army shirts, golf jackets, golf hats, casual clothes. I had a pair, on the night in question, a pair of blue slacks on, a blue jacket with a university written across the front of it, and a golf cap.

Mr. DASH. And in the police automobile that you use, is this a marked automobile or unmarked?

Sergeant LEEPER. No, sir, it is unmarked.

Mr. DASH. Was that the kind of automobile that you were in on June 17, 1972?

Sergeant LEEPER. Yes, sir.

Mr. DASH. Thank you.

Now, can we first have chart 5. While they are getting the chart, Sergeant, can you tell us did there come a time sometime early in the morning of or of June 17 or late in the evening, whatever time it occurred of June 16, that you received a call to come to the vicinity of the Watergate complex in Washington, D.C.?

Sergeant LEEPER. Yes, sir.

Mr. DASH. What was the nature of that call?

Sergeant LEEPER. Well, the call came out about 0152 hours on the morning of the 17th, Saturday, and the call originally came out for any scout car, which would be a marked car vehicle in the Police Department and official in it to respond to the Watergate, 2600 Virginia Avenue, to assist a special officer, the official vehicle would be a sergeant, lieutenant, or a captain's cruiser. These would be marked vehicles. No one answered that, and the dispatcher, the police dispatcher came over the air and asked if there was any TAC unit in the area.

Senator BAKER. Any what?

Sergeant LEEPER. They refer to us as casual clothes, tactical squads and they have other squads.

Senator BAKER. TAC unit.

Mr. DASH. Authority for tactical unit.

Sergeant LEEPER. Tactical unit. Yes, sir, and at this time I was working in cruiser 727, which is an unmarked police vehicle with Officer John Barrett and Officer Carl Shoffler.

Mr. DASH. Where were you located when you received that call?

Sergeant LEEPER. We were in the area of about K and 30th, Washington, D.C.

Mr. DASH. How close was it to the Watergate complex?

Sergeant LEEPER. Approximately a minute and a half, 2 minutes away.

Mr. DASH. If you can see the chart which is on the easel, and if not, can you go to it, do you recognize the photograph that appears on that easel?

Sergeant LEEPER. Yes, sir; it is of the Watergate complex.

Senator BAKER. Just one second, just a second, I do not mean to unduly interrupt counsel, but just so I can keep the continuity in my mind, that man across the street was in the Howard Johnson?

Sergeant LEEPER. That is correct.

Senator BAKER. Where?

Sergeant LEEPER. He was out on the balcony. I did not see him, Senator. It was just called to my attention by Officer Shoffler.

Senator BAKER. But you knew he was watching you?

Sergeant LEEPER. Yes, sir.

Senator BAKER. How long did he watch?

Sergeant LEEPER. I do not know, sir. I did not even look over. I just——

Senator BAKER. You had your guns out?

Sergeant LEEPER. I did not have my gun out but Officer Shoffler had his weapon out.

Senator BAKER. And you were on the floor of the DNC, the Democratic National Committee?

Sergeant LEEPER. Yes, sir.

Senator BAKER. The balcony outside?

Sergeant LEEPER. Well, it is referred to as the terrace.

Senator BAKER. Who was that fellow?

Sergeant LEEPER. It was later found to be James Baldwin.

Senator BAKER. Do you know how long Baldwin watched?

Sergeant LEEPER. I think from the time we pulled up in front here, sir.

Mr. DASH. All right. Then, what did you do? Did you leave the terrace at that time?

Sergeant LEEPER. Yes, sir, we responded back in the area of the hallway and we met up again with Officer Barrett down to this area, checking the offices that were open as we came down the hallway, and we came into this room here through a glass door, Officer Barrett was the first man followed by myself and Officer Shoffler. Officer Barrett responded up to this area here and I started into this little secretarial cubicle here, Officer Shoffler was somewhere in this area and at this point I heard Officer Barrett yell: "Hold it, come out."

Mr. DASH. Where was that voice coming from?

Sergeant LEEPER. Officer Barrett?

Mr. DASH. Yes; where was that voice coming from?

Sergeant LEEPER. Right in this area here, Officer Barrett was right in this area. At this time I responded back out of the cubicle into this cubicle, jumped up on the desk, drawing my weapon and when I looked over this glass partition there were five men standing in front of a desk with their hands either raised above their heads or at least shoulder high wearing blue surgical gloves.

Mr. DASH. What, if anything, did you see them doing at the time that their hands were up when you had your guns out on them?

Sergeant LEEPER. Some of the gentlemen, sir, had tried to remove the gloves by using, you know, taking one hand and trying to throw it off with the other.

Mr. DASH. Did you notice any kind of equipment or paraphernalia in and around where you found the men?

Sergeant LEEPER. Yes, sir. One of the men had, was carrying an a.w.o.l. bag, an overnight bag, semilarge brown bag with his coat

draped over it contained various items, cameras, bulbs, clamps for clamping the cameras to the desk, walkie-talkies, things of this sort.

Mr. DASH. Now, just going down toward the corner there from that room where you apprehended the men, the corner toward the bottom right corner, go all the way down to the large office in the corner there.

Sergeant LEEPER. Right in here, sir.

Mr. DASH. No; the large office in the corner, the very edge, whose office is that?

Sergeant LEEPER. That is the office of the chairman at that time of the Democratic Party was Lawrence F. O'Brien.

Mr. DASH. And was there entrance to that office from or access to it from where you found the men you apprehended?

Sergeant LEEPER. Yes, sir. As you can see by the chart, sir, you had access to that office.

Mr. DASH. And next to that office, to the left, whose office was that?

Sergeant LEEPER. That is the deputy chairman, sir, Stanley L. Gray.

Mr. DASH. Now, you at that point, what did you do with the men he apprehended at that point?

Sergeant LEEPER. We ordered them out from behind the desk and lined them up along the wall, facing the wall, hands on the wall, feet spread apart, and at that time I informed them who we were, they were under arrest for burglary and advised them of their rights and at that time, I directed Officer Barrett to begin a systematic search of each man.

Mr. DASH. Did you notice anything unusual about these men when you arrested them, the way they were dressed?

Sergeant LEEPER. They were well dressed, sir, in either suits, sport coats and ties.

Mr. DASH. Now, do you know the names of those people, did they give their names at that time to you?

Sergeant LEEPER. At that time, no, sir.

Mr. DASH. Did they give any names to you?

Sergeant LEEPER. Later, when they were booked in the precinct, taken to headquarters, 2301 L Street, they gave us names which later proved to be false names, aliases.

Mr. DASH. Did you later find out who they were?

Sergeant LEEPER. Yes, sir.

Mr. DASH. Could you name the persons who you arrested in that location by the names that later found out who they were to be?

Sergeant LEEPER. Frank Sturgis, Bernard L. Barker, James McCord, Eugenio Martinez, and I think it was Virgilio Gonzales.

Senator ERVIN. Virgilio Gonzales?

Sergeant LEEPER. I believe that is the way he pronounces his name.

Mr. DASH. Did you accompany them down to the station house?

Sergeant LEEPER. Yes, sir, we sent three of them down in a patrol wagon, one was transported, I think Mr. McCord, was transported in 83 scout and I transported Mr. Barker in the old clothes TAC unit, the unmarked cruiser.

Mr. DASH. At a later time did you come back and make any search of any room in the Watergate complex?

Sergeant LEEPER. I came back to the Watergate complex but the search was made by the Mobile Crime Unit. At the time we could

get in touch with them they handled all the searching of the rooms and all the fingerprinting and processing.

Mr. DASH. What rooms were searched?

Sergeant LEEPER. Well, the Mobile Crime did a search of the whole complex—sixth floor complex. The conference room, all these rooms along here.

Mr. DASH. Were there any other rooms in the hotel or any other place of the complex that was also searched?

Sergeant LEEPER. Yes, sir. We obtained search warrants at about 2:30 in the afternoon, that would be Saturday afternoon on June 17, and went into rooms 214 and 314 of the Watergate Hotel.

Mr. DASH. What led you to get such search warrants?

Sergeant LEEPER. Well, we checked the guests, the register, to see who was registered at the Watergate and I think they also checked the Howard Johnsons across the street and some of the fictitious names these gentlemen had used were on the register of the Watergate Hotel.

Mr. DASH. Could you say briefly what, if anything, was found in the search of that hotel?

Sergeant LEEPER. More electrical equipment, more blue surgical gloves, about $4,200 in $100 bills, all in sequence, all brand new $100 bills; some electronic equipment. I guess that is it.

Mr. DASH. Sergeant, could you shed any light—were you present or do you have any knowledge of any check that was found on any one of these defendants or notebooks that had the name, E. Howard Hunt?

Sergeant LEEPER. I was on the search team that went into room 214 of the Watergate Hotel. It was myself and Detective Robert Dennell of our Department, Carl Shoffler, an agent from the Washington field office of the FBI; and also one of the men from Mobile Crime, Don Cherry, assisted us. At that time, it was called to my attention that they did find a book with the name——

Mr. DASH. Found what, sir?

Sergeant LEEPER. A small notebook, as you described it, with the names that you had brought out in it.

Mr. DASH. The name E. Howard Hunt? Is that the name?

Sergeant LEEPER. I believe it said, "E. Hunt, W.H.", on it, sir.

Mr. DASH. Are you aware of finding on the person of any defendant or anyone in the room any check that was signed by Mr. Hunt?

Sergeant LEEPER. No, sir, not to my knowledge.

Mr. DASH. Did you do anything else that evening or that morning or the following day with regard to the defendants?

Sergeant LEEPER. Well, I was at the second district headquarters when we began processing these men for court. I did not do actually any of the paperwork. We were assisted by some detectives, and Officer Barrett stayed on the scene out at the Watergate. He was trying to get in touch with somebody from the Democratic National Committee and later, Mr. Stanley Greigg came down. He was brought to the station with Officer Barrett, at which time, he was shown the five defendants to see if they had any right to be in the building, be in that area, the sixth floor, at which time he stated they did not.

Mr. DASH. At the time of the arrest, did you notice whether any of those persons apprehended were employed or had any relationship with the Committee for the Re-Election of the President?

Sergeant LEEPER. No, sir.

Mr. DASH. Did you learn at any time that any of them did?

Sergeant LEEPER. Well, after it hit the wire services and the press started picking it up, yes, sir.

Mr. DASH. You learned it from the press?

Sergeant LEEPER. Yes, sir.

Mr. DASH. I have no further questions.

Did you find any money on any of the individuals that were apprehended?

Sergeant LEEPER. Yes, sir, we found quite a bit of money—well, not quite a bit. I would say about $3,600, all in $100 bills, all in the same sequence.

Mr. DASH. Was it $3,600?

Sergeant LEEPER I could give you a close estimate, like——

Mr. DASH. Would you leave the chart now and go back to the table?

Now, would you refer to your records and give us a more specific statement as to the amount of money you found on any of the individuals and also in the hotel room?

Sergeant LEEPER. Also, from the defendant, Edward Joseph Hamilton, which would be Frank Sturgis, was approximately $215 in bills. From the defendant Frank Carter, which would be Bernard Barker, was approximately $230 in bills, two of which were $100 bills, and also Sturgis, two of the $250 he had was in $100 bills.

From the defendant Jean Valdez was $814 in bills, seven of which were $100 bills.

Mr. DASH. Who is Valdez?

Sergeant LEEPER. That would be Martinez, Eugenio Martinez.

Mr. DASH. From Earl Godoyn was $230 in bills, He would be, his real name would be Virgilio Gonzalez, was $230 in bills, two of which were $100 bills.

From Mr. McCord, using the alias of Edward Joseph Warren, no money was found on him.

Mr. DASH. Are you acquainted with how much money was found in the room, when the room was searched in the hotel, the apartment in Watergate?

Sergeant LEEPER. Yes, sir, there was $3,566.58. There was four packs of brandnew $100 bills, eight in a pack, so it would be $3,200 in $100 bills, all in the same sequence.

Mr. DASH. Did you or someone make a record of the serial numbers of those bills?

Sergeant LEEPER. Yes, sir, the Mobile Crime, which was Don Cherry, was on the scene with us.

Mr. DASH. Would you provide the committee with a list if we do not already have it of those numbers? It is not necessary to read them at this point in the record.

Sergeant LEEPER. Yes, sir.

[The list of serial numbers on $100 bills requested of the witness follows:]

C 03642257 A through C 03642264 A.
F 02457423 A through F 02457430 A.
F 02457433 A through F 02457440 A.
F 02457503 A through F 02457510 A.

35-780 O - 74 - 7

EXHIBIT NO. 143

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

7 July 1972

MEMORANDUM FOR: The Acting Director
Federal Bureau of Investigation

SUBJECT : Everette Howard Hunt, Jr.

1. This memorandum is forwarded in connection with our memorandum of 5 July on Subject in response to your request of 30 June 1972 for information as to any other aliases or documentation issued Subject by this Agency.

2. During July and August 1971, Subject was issued two sets of alias documentation in the names of George F. Leonard and Edward Joseph Warren. Details of these documents are available if desired, but no signature exemplars are available. He was also provided certain other operational support items. We understood that these were to be used in connection with attempts to ascertain the facts of cases of document leaks. These matters were not in any way connected to Agency operations but were supplied in response to a duly authorized extra-Agency request. This assistance was terminated when Subject's requests escalated beyond appropriate limits. No further support was extended to Subject after August 1971.

3. This information is being provided in confidence and should not be disseminated outside your Bureau. Please refer any further correspondence on this matter to me.

Sincerely,

Vernon A. Walters
Lieutenant General, USA
Acting Director

SENSITIVE ... SOURCES AND METHODS INVOLVED

SECRET

EXEMPT FROM GENERAL DECLASSIFICATION OF E. O. 11652, EXEMPTION CATEGORY: § 58.1, (1), (2), (3) or (4) (circle one or more) AUTOMATICALLY DECLASSIFIED ON ... APPROVAL OF DCI ... (unless impossible, insert date or event)

Rec'd 2:15 PM 7-12-72 from GEN WALTERS

DATE [illegible] NO. [illegible] PAGE [illegible]

VALUABLES MUST BE PLACED IN THE SAFE IN THE OFFICE; OTHERWISE THE MANAGEMENT WILL NOT BE RESPONSIBLE FOR ANY LOSS

NAME

Ameritas noon

FIRM

955 SW First

ADDRESS

Miami, Fla.

CITY & STATE ZIP

Frank Carter

SIGNATURE

RES. BY TEL.

SPECIAL INSTRUCTIONS:

GOVERNMENT EXHIBIT 88

DATE 3/14 NAME VALDEZ, J. A NO. 18ea RATE 6/16 6/19

MONEY, JEWELS AND OTHER VALUABLES MUST BE PLACED IN THE SAFE IN THE OFFICE; OTHERWISE THE MANAGEMEN WILL NOT BE RESPONSIBLE F ANY LOSS.

ROOM 643 FIRM Ameritas noon

CLERK 955 S.W. First

ADDRESS

Miami, Fla.

CITY & STATE ZIP

Gene Valdez

SIGNATURE

RES BY TEL.

SPECIAL INSTRUCTIONS:

GOVERNMENT EXHIBIT 89

DATE 3/14 NAME DIALBERTO, J. A NO. 18ea RATE 6/16 6/19

MONEY, JEWELS AND OTHER VALUABLES MUST BE PLACE IN THE SAFE IN THE OFFICE; OTHERWISE THE MANAGEME WILL NOT BE RESPONSIBLE F ANY LOSS:

ROOM 643 FIRM Ameritas noon

CLERK 955 S.W. First St

ADDRESS

Miami, Fla

CITY & STATE

D. Di Alberto

SIGNATURE

RES BY TEL.

SPECIAL INSTRUCTIONS:

GOVERNMENT EXHIBIT 90

DATE 3/14 NAME GODOY, R. A NO. 18ea RATE 6/16 6/19

MONEY, JEWELS AND OTHER VALUABLES MUST BE PLACE IN THE SAFE IN THE OFFICE; OTHERWISE THE MANAGEME WILL NOT BE RESPONSIBLE ANY LOSS.

ROOM 643 FIRM Ameritas ~~and~~ Noon

CLERK 955 S.W. First St.

ADDRESS

Miami, Fla.

CITY & STATE ZIP

Raul Godoy

SIGNATURE

RES BY TEL

SPECIAL INSTRUCTIONS:

GOVERNMENT EXHIBIT 91

1972 JUN 15 PM 5 20
1972 JUN 15 PM 5 22
1972 JUN 15 PM 5 23
1972 JUN 15 PM 5 23
1972 JUN 15 PM 5 24

FILED IN OPEN COURT
SEP 15 1972
JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on June 5, 1972

The United States of America	:	Criminal No. 1827-72
v.	:	Grand Jury Original
George Gordon Liddy, also known as: Gordon Liddy and George F. Leonard Everette Howard Hunt, Jr., also known as: Howard Hunt, Edward L. Warren and Edward J. Hamilton James W. McCord, Jr., also known as: Edward J. Warren and Edward J. Martin Bernard L. Barker, also known as: Frank or Fran Carter Eugenio R. Martinez, also known as: Gene or Jene Valdes Frank A. Sturgis, also known as: Frank Angelo Fiorini, Edward J. Hamilton, and Joseph DiAlberto or D'Alberto Virgilio R. Gonzalez, also known as: Raul or Raoul Godoy or Goboy	:	Violation: 18 U.S. Code 371, 2511 22 D.C. Code 1801(b), 23 D.C. Code 543(a) (Conspiracy; Interception of Oral and Wire Communications; Second Degree Burglary; Unlawful Possession Intercepting Devices)

The Grand Jury charges:

FIRST COUNT:

1. At all times material hereto the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States.

2. At all times material hereto the Democratic National Committee had its offices and headquarters at 2600 Virginia Avenue, N.W., Washington, D.C.

3. At all times material hereto George Gordon Liddy, also known as Gordon Liddy and George F. Leonard and hereinafter referred to as defendant Liddy, was employed as counsel for the Finance Committee to Re-Elect the President located at 1701 Pennsylvania Avenue, N.W., Washington, D.C.

strict c.j.

2. On or about May 5, 1972, and continuing through about May 28, 1972, Room 419 at the Howard Johnson's Motor Lodge, located at 2601 Virginia Avenue, N.W., Washington, D.C. was rented or leased by the defendant McCord in the name of McCord Associates.

3. On or about May 8, 1972, the defendant Liddy made a telephone call from the District of Columbia to the defendant Barker at Barker Associates, Inc.

4. On or about May 10, 1972, in Rockville, Maryland, the defendant McCord purchased a Receiving System for McCord Associates, Inc., for which he paid $3,500 in cash, a device capable of receiving intercepted wire and oral communications.

5. On or about May 17, 1972, the defendant Barker made two telephone calls from Barker Associates, Inc. to the defendant Liddy at the Finance Committee to Re-Elect the President and two calls to the defendant Hunt within the District of Columbia.

6. On or about May 19, 1972, the defendant Hunt made one telephone call from the District of Columbia to the defendant Barker at Barker Associates, Inc. and one telephone call from the District of Columbia to the defendant Barker at his residence.

7. On or about May 22, 1972, the defendant Barker -- using the alias of Fran Carter, the defendant Martinez -- using the alias of G. Valdes, the defendant Sturgis -- using the alias of Joseph DiAlberti, and the defendant Gonzalez -- using the alias of Raul Goboy, traveled from Miami, Florida, to Washington, D.C.

8. On May 26, 1972, the defendant Liddy -- using the alias of George F. Leonard, the defendant Hunt -- using the alias of Edward L. Warren, the defendant Barker -- using the

alias of Frank Carter, the defendant Martinez -- using the alias of Gene Valdes, the defendant Sturgis -- using the alias Joseph D'Alberti, and the defendant Gonzalez -- using the alias Raul Godoy, registered at the Watergate Hotel at 2650 Virginia Avenue, N.W., Washington, D.C.

9. On or about May 26, 1972, within the District of Columbia, the defendants Liddy, Hunt and McCord met.

10. On or about May 27, 1972, within the District of Columbia, the defendants Liddy, Hunt, and McCord inspected, surveyed, and reconnoitered the headquarters of Senator George McGovern at 410 First Street, S.E.

11. On or about May 29, 1972, and continuing through June 17, 1972, Room 723 at the Howard Johnson's Motor Lodge, located at 2601 Virginia Avenue, N.W., Washington, D.C. was rented and leased by the defendant McCord in the name of McCord Associates.

12. On or about June 5, 1972, the defendant Hunt made a telephone call from within the District of Columbia to the defendant Barker at Barker Associates, Inc.

13. On or about June 11-15, 1972, within the District of Columbia, the defendants Liddy, Hunt and McCord met and the defendant Liddy gave the defendant McCord about $1,600 in cash.

14. On or about June 12, 1972, in Miami, Florida, the defendants Martinez and Sturgis purchased surgical gloves.

15. On or about June 13, 1972, and June 15, 1972, in Miami, Florida, the defendant Martinez purchased film and other photographic equipment.

P.D. 690
REV. 9/68

Page 12

METROPOLITAN POLICE DEPARTMENT
WASHINGTON, D. C.

SUPPLEMENTARY EVIDENCE REPORT

TO:		1. DATE OF THIS REPORT 6-20-72	
2. COMPLAINANT'S NAME Democratic National Committee	3. LOCATION OF OFFENSE Watergate/2600 Va. Ave NW		
4. OFFENSE Burglary II	5. DATE OF OFFENSE 6-17-72	6. M C S NO. 12830	7. C.C.R. NO. 316-832

BELOW ARE THE RESULTS OF THE EXAMINATIONS CONDUCTED BY THE IDENTIFICATION SECTION

The below listed property recovered on Search Warrant by Detective Robert Denell, CID in room #214 of the Watergate Hotel on 6-17-72 and turned over to Technician Larry Muncy of the Mobile Crime Laboratory 6-20-72 at 0815 hrs.

ITEMS:

#167 One black with white metal trim "Samsonite" attache case.

(The attache case contained the following:)

#168 One brown and yellow metal "bates" list finder, model K, with :"PFC Donnie Martinez, Co B, 2nd Tank Battallion, Force Troops, Camp Lejeune, North Carolina, 28542" written inside the top of the finder. (This item is known as a pop-up telephone directory.)

#169 One "1972 Realty Bluebook" with torn out page from desk calendar in same. Calendar page dated Monday, August 23rd and Tuesday August 24th, 1971. On the August 23rd side is written: "2514 N.W. 122 St."

#170 One green with yellow lettering "Expanded Payment Table for Monthly Mortgage Loans" with business card of "E. Rolando Martinez" attached to inside front cover.

#171 A black vinyl address book with "L&M Mortgage Co.,6500 W.4th Ave Suite 6, Hialeah, Florida, 822-7520" imprinted on same. In the "Q" section of the book is a diagram of what appears to be a hotel lobby.

#172 Black leather business card holder containing business cards of "E. Rolando Martinez" and other subjects.

#173 U.S. Airmail Postage stamp holder with" six 11 cent Airmail stamps & six 2 cent stamps in same.

#174 A envelope from "Real Estate Directories" addressed to: "Judd Realty of Miami", containing real estate listings of the Miami area that are for sale.

#175 Envelope containing legal seperation papers of Eugenio Rolando Martinez and Jean Marie Moleski DeGregorio Martinez. "Case 72-9254-J.W.Kehoe" (papers had not been signed but was to appear before Judge J.W. Kehoe of Dade County,Fla., June 27, 1972)

PROPERTY RECEIVED: [signature] 6-20-72

WITNESS: [signature]

Sgt. C.A. Kirk
Signature of Reviewing Official

[signature]
Signature of Technician Assigned

P-1175

P.D. 698
REV. 9/68

Page 24

METROPOLITAN POLICE DEPARTMENT
WASHINGTON, D. C.
SUPPLEMENTARY EVIDENCE REPORT

TO:		1. DATE OF THIS REPORT 6/20/72	
2. COMPLAINANT'S NAME Democratic National Committee	3. LOCATION OF OFFENSE Watergate/2600 Va. Ave. NW		
4. OFFENSE Burglary II	5. DATE OF OFFENSE 6/17/72	6. M C S NO. 12830	7. C.C.R. NO. 316-832

BELOW ARE THE RESULTS OF THE EXAMINATIONS CONDUCTED BY THE IDENTIFICATION SECTION

FROM THE TOP DRAWER OF DRESSER AT LEFT OF DOOR FROM ROOM 214

#262 A check in receipt for the Watergate Hotel for room 214 in name of F. Carter, IN 6/16, OUT 6/19, Firm Ameritas, 955 SW First, Miami, Fla. and signed by Frank Carter.

#263 A check in receipt for the Watergate Hotel for room 214 in name of J. Valdez, IN 6/16, OUT 6/19, Firm Ameritas, 955 SW First, Miami, Fla. and signed.

#264 A black or dark blue small book with "Addresses Telephones" in yellow lettering on front and on the first page "Bernard L. Barker, 5229 NW 4th Street, Miami, Fla. 33126, Office Barker Associated Inc. 2301 NW 7 St., Suites F & G, Miami, Fla. 33125", book contains various names, addresses and telephone numbers.

#265 A torn out piece of white lined paper headed "Addresses" with name "Carole Frohman, 865-0255".

#266 A black plastic folder containing (7) seven business cards in name of Bernard L. Barker, G.R.I, Realtor.

#267 A business card from E. Rolando Martinez, Associate of Barker Associates Inc., Realtors.

#268 A Sears Easy Payment Account Card #45 42313 76571 5 in name of Mr. Bernard L. Barker, 5229 NW 4th St., Miami, Fla. 33126.

#269 A social security card #213-07-0844 in name of Bernard Leon Barker.

#270 A Florida Operators License #B626092170977O9A in the name of Bernard Leon Barker.

#271 A Sears Credit Card #45 91613 78290 4 in name of Mr. Bernard L. Barker.

#272 An American Express Credit Card, number 047 252 328 1 800AX in the name of Bernard L. Barker, Barker Associates Inc.

#273 A standard Chevron National Travel Credit Card, number 110 319 250 4 in name of Bernard L. Barker.

#274 A Texaco Travel Credit Card, #19 414 3802 8 in the name of B L Barker.

#275 A Shell Credit Card, number 984 135 004 in name of B L Barker.

PROPERTY RETURNED: 6-22-72

WITNESS:

Sgt. Carrick
Signature of Reviewing Official

Off. Larry N. Mowry
Signature of Technician Assigned

P-4178

P.D. 698
REV. 9/68

Page 25

METROPOLITAN POLICE DEPARTMENT
WASHINGTON, D. C.
SUPPLEMENTARY EVIDENCE REPORT

TO:		1. DATE OF THIS REPORT 6/20/72	
2. COMPLAINANT'S NAME Democratic National Committee	3. LOCATION OF OFFENSE Watergate/2600 Va. Ave. NW		
4. OFFENSE Burglary II	5. DATE OF OFFENSE 6/17/72	6. M C S NO. 12830	7. C.C.R. NO. 316-832

BELOW ARE THE RESULTS OF THE EXAMINATIONS CONDUCTED BY THE IDENTIFICATION SECTION

#276 A Phillips 66 Credit Card, number 625 704 761 0 in name of Bernard L. Barker.

#277 A white envelope addressed to Lakewood Country Club, 13901 Glen Mill Rd., Rockville, Md. 20850 containing a check with imprinted name E. Howard Hunt, check No. 415 payable to Lakewood Country Club, dated June 11, 1972 for the amount of $6.36, signed by E. Howard Hunt, drawn on the First National Bank of Washington, account number 080 174 7 and a statement from the Lakewood Country Club, phone 762-5430, 13901 Glen Mill Road, Rockville, Md. 20850, addressed to E. Howard Hunt, C/O Weybright & Talley, 750 Third Ave., New York, NY 10017, account number 4374, statement number 287, amount enclosed $6.36, date 5/31/72.

FROM THE TOP OF THE DRESSER, ROOM 214

#278 An Avis Map of Washington, DC and vicinity.

#279 A Hertz Map of Baltimore, Washington and surrounding area.

FROM THE TOP OF THE COFFEE TABLE, ROOM 214

#280 A piece of yellow lined paper with "Carlo Neil-front Office Manager, 338-3914-called 6/17/72-received last 6 month-unk-R".

PROPERTY RECEIVED: WITNESS:

Sgt. Carl Kirk
Signature of Reviewing Official

P. Ramey H. Murray
Signature of Technician Assigned

P-4178

assist him in his inquiry. I asked Mr. Dean if he would be reporting directly to the President or through Mr. Haldeman or Mr. Ehrlichman. He informed me that he would be reporting directly to the President.

At this meeting with Mr. Dean there was no discussion of whom we were going to interview or where our leads might take the investigation. We did discuss the scheduling of White House interviews through Mr. Dean and his sitting in on the interviews as counsel to the President.

On Thursday, June 22, 1972, after being briefed by Mr. Charles W. Bates, Assistant Director, General Investigative Division, regarding the latest developments in the *Watergate* case and undoubtedly as a result of information developed at that briefing, I telephoned Director Helms of the CIA. I told him of our thinking that we may be poking into a CIA operation and asked if he could confirm or deny this. He said he had been meeting on this every day with his men, that they knew the people, that they could not figure it out but that there was no CIA involvement.

I met again with Mr. Dean at 6:30 p.m. the same day to again discuss the scheduling of interviews of White House staff personnel and to arrange the scheduling of these interviews directly through the Washington field office rather than through FBI headquarters. At this meeting I also discussed with him our very early theories of the case; namely, that the episode was either a CIA covert operation of some sort simply because some of the people involved had been CIA people in the past, or a CIA money chain, or a political money chain, or a pure political operation, or a Cuban right wing operation, or a combination of any of these. I also told Mr. Dean that we were not zeroing in on any one theory at this time, or excluding any, but that we just could not see any clear reason for this burglary and attempted intercept of communications operation.

I believe that it was at this meeting on June 22 that I told him of our discovery of a bank account in the name of Bernard Barker, who was arrested in the Watergate burglary, and the fact that a $25,000 check associated with Kenneth Dahlberg and four checks drawn on a Mexican bank payable to Manuel Ogarrio, in the total amount of $89,000, were deposited in the Barker account. I do not have a clear memory of telling him about my telephone call earlier in the day to Director Helms regarding the question of CIA involvement. It is likely that I would have discussed the Helms call with him in connection with our discussion of the theories of the case, since Mr. Helms had informed me that there was no CIA involvement.

On Friday, June 23, 1972, Mr. Bates met with me again to brief me on recent developments. I telephoned Mr. Dean following my meeting with Mr. Bates. I am quite certain that this call again involved the Barker bank account and the Ogarrio and Dahlberg checks. Either in this call or in the meeting of the preceding evening Mr. Dean first raised with me the idea that if we persisted in our efforts to investigate this Mexican money chain we could uncover or become involved in CIA operations. I remember telling Mr. Dean in one of these early telephone calls or meetings that the FBI was going to pursue all leads aggressively unless we were told by the CIA that there was a CIA interest or involvement in this case.

FIRST MEETINGS WITH MR. GRAY REGARDING THE INVESTIGATION

I believe that it was on June 21 that I first met with Gray in his office in the late morning regarding the FBI's investigation. At that meeting he told me he fully realized the sensitive nature of the investigation they were pursuing and that he had placed his most trusted senior people in charge of the investigation. I told Gray that I had been asked to be kept informed about the investigation. Mr. Gray told me that he had been visiting a number of regional offices and would be doing so in the future. Thus, if I needed any information I should call Mr. Mark Felt in his absence. I might note at this point that indeed Gray was frequently absent from the city during the course of the investigation and this irritated Ehrlichman greatly when he asked me to get information from Gray and Gray was out of the city. On several occasions, in fact, Ehrlichman instructed me to tell Gray to return to the city and mind the store. I passed this message to Gray, but I cannot recall what prompted Ehrlichman to have me do so at this time.

During my meeting with Gray on June 21 he also told me a man by the name of Mr. Bates was heading the investigation. I do not know Mr. Bates, and when I reported this back to Ehrlichman and he asked me who Bates was, I told him I did not know Bates. I can recall on several occasions Ehrlichman asking me if I thought that Gray knew what he was doing and if he had the investigation under control. I responded that he seemed to be relying on men in whom he had full trust.

To the best of my recollection, it was during this June 21 meeting with Gray that he informed me that the FBI had uncovered a number of major banking transactions that had transpired in the account of one of the arrested Cubans—Mr. Barker. He informed me that they had traced a $25,000 check to a Mr. Kenneth Dahlberg and four checks totaling $89,000 to a bank in Mexico City.

I do not recall whether I first learned about the Dahlberg check from Mr. Gray or whether I learned about it in a meeting in Mitchell's office by reason of the fact that the FBI was trying to contact Mr. Dahlberg about the matter and Dahlberg had called Mr. Stans. At any rate, the fact that the FBI was investigating these matters was of utmost concern to Mr. Stans when he learned of it. Stans was concerned about the Dahlberg check, I was informed, because it was in fact a contribution from Mr. Dwayne Andreas, whom I did not know, but I was told was a longtime backer of Senator Hubert Humphrey. Neither Stans nor Mitchell wanted Mr. Andreas to be embarrassed by disclosure of the contribution. The concern about the Mexican money was made a little less clear to me. I was told it was a contribution from a group of Texans who had used an intermediary in Mexico to make the contribution. Although I had not been told, I assumed at that time that they were concerned because it sounded to me as if it might have been a corporate contribution and clearly a violation of the law.

Mr. Stans also explained that he had checked with Sloan to find out how this money had ended up in Mr. Barker's bank account and Sloan reported that he had given the checks to Liddy and requested that he cash them: He said he had no idea how Liddy had cashed them, but surmised that he had obviously used Barker to cash them. I was also

told—and I do not recall specifically who told me this—that this money had absolutely nothing to do with the Watergate; it was unrelated and it was merely a coincidence of fact that Liddy had used Barker to cash the checks and Liddy had returned the money to Sloan. I was told that the investigation of this matter which appeared to be connected with Watergate but wasn't, was unfounded and would merely result in an unnecessary embarrassment to the contributors. Accordingly, Mitchell and Stans both asked me to see if there was anything the White House could do to prevent this unnecessary embarrassment. I, in turn, related these facts to both Haldeman and Ehrlichman. On June 22, at the request of Ehrlichman and Haldeman I went to see Mr. Gray at this office in the early evening to discuss the Dahlberg and Mexican checks and determine how the FBI was proceeding with these matters. Mr. Gray told me that they were pursuing it by seeking to interview the persons who had drawn the checks.

It was during my meeting with Mr. Gray on June 22 that we also talked about his theories of the case as it was beginning to unfold. I remember well that he drew a diagram for me showing his theories. At that time Mr. Gray had the following theories: It was a setup job by a double agent; it was a CIA operation because of the number of former CIA people involved; or it was someone in the reelection committee who was responsible. Gray also had some other theories which he discussed, but I do not recall them now, but I do remember that those I have mentioned were his primary theories.

Before the meeting ended, I recall that Gray and I again had a brief discussion of the problems of an investigation in the White House. Gray expressed his awareness of the potential problems of such an investigation and also told me that if I needed any information I should call either Mark Felt or himself. Gray also informed me that he was going to meet with the CIA to discuss their possible involvement and he would let me know the outcome of that meeting.

On June 23 I reported my conversation with Gray of the preceding evening to Ehrlichman and Haldeman. We discussed the Dahlberg and the Mexican checks and the fact that the FBI was looking for answers regarding these checks. I had the impression that either Ehrlichman or Haldeman might have had a conversation with someone else about this matter but this was mere speculation on my part at that time.

Within the first days of my involvement in the coverup, a pattern had developed where I was carrying messages from Mitchell, Stans, and Mardian to Ehrlichman and Haldeman—and vice versa—about how each quarter was handling the coverup and relevant information as to what was occurring. I was also reporting to them all the information I was receiving about the case from the Justice Department and the FBI. I checked with Haldeman and Ehrlichman before I did anything. One of the few sets of early documents evidencing this working relationship with Haldeman and Ehrlichman relates to responding to Larry O'Brien's letter of June 24 to the President requesting the appointment of a special prosecutor. I have submitted these documents to the committee.

[The documents referred to were marked exhibit No. 34–17.*]

*See p. 1161.

Mr. SLOAN. I know Texas, but whether it was just restricted to Texas, I am not sure.

Senator ERVIN. You do not know from your own knowledge, of course, whether they came from fund raising or whether they came from correspondence?

Mr. SLOAN. As I recall, all the checks were individual checks. The cash funds—I might explain. There was a listing in the briefcase, the total amount which equaled the total amount in the briefcase. Individual names were associated with each of those items.

Senator ERVIN. Were any checks brought at that time in addition to these four Mexican checks?

Mr. SLOAN. Oh, yes, sir.

Senator ERVIN. I thought that the rest was in cash. Was I mistaken in that?

Mr. SLOAN. Yes, sir. I think a large proportion of it was in personal checks from contributors.

Senator ERVIN. I would like to hand you a check that purports to be drawn on the First Bank and Trust Co. of Boca Raton, a cashier's check, to the order of Kenneth H. Dahlberg.* I hand that to you and ask if you can identify that?

Mr. SLOAN. Yes, sir; that appears to be accurate.

Senator ERVIN. When did that check reach the office of the Committee To Re-Elect the President?

Mr. SLOAN. I did not know when Secretary Stans received it. I believe he turned it over to me sometime in the week following April 7.

Senator ERVIN. This check was not dated, this cashier's check was not dated until April 10, 1972, 3 days after the new law went into effect.

Mr. SLOAN. Secretary Stans, in giving that check to me, told me it represented pre-April 7 funds.

Senator ERVIN. The committee proceeded upon the advice of Mr. Liddy to the effect that if somebody promised them money before April 7, or they had agreed to make a disbursement before April 7, that that did not have to be reported—is that so?

Mr. SLOAN. I believe that is correct, Senator.

Senator ERVIN. Now, what happened to these four Mexican checks——

Mr. SLOAN. Senator, excuse me. In response to that other question, presumably, Mr. Liddy gave his advice to Secretary Stans. He did not specifically give that advice to me. It was represented that way to me by Secretary Stans.

Senator ERVIN. In other words, Mr. Stans told you that Mr. Dahlberg's check had been received somewhere under some circumstances by somebody before April 7, and, therefore, even though it had not reached the committee or any person authorized to receive funds on behalf of the committee, that it was received before April 7?

Mr. SLOAN. My understanding was that Mr. Kenneth Dahlberg, who was an authorized representative of the committee, had received it from Mr. Dwayne Andreas. As to the exact circumstance of that arrangement, I do not know.

Senator ERVIN. Were not the four Mexican checks and the Dahlberg check deposited in a bank in Miami, Fla.?

* The document referred to was later marked exhibit No. 25 on p. 631.

Mr. SLOAN. That is what I understood happened to them, Senator. It was certainly not under my instructions.

Senator ERVIN. Can you explain to the committee why the checks were transmitted from Washington to Miami and deposited in a bank in Miami to the credit of Bernard L. Barker?

Mr. SLOAN. I have no idea, Senator.

Senator ERVIN. Would you not infer from those circumstances that somebody that had something to do with the checks did not want anybody to know about receiving the checks and wanted to hide them?

Mr. SLOAN. Senator, my understanding when I received them was a judgment had been made that they were pre-April 7 contributions and, therefore, were not required to be reported. I did turn them over to Mr. Liddy to have them converted to cash. He handled them from there. Why he gave them to Mr. Barker, I have no idea.

Senator ERVIN. Well, even though they did not have to be reported, can you inform us why, instead of being put in the safe in the committee office, why they were sent down to Florida?

Mr. SLOAN. I do not know why they went to Florida, Senator. The reason for the conversion of those checks to cash was to attempt to comply with the spirit of the old law of distributing an individual's contribution in $3,000 increments among pre-April 7 committees. But as those bank accounts had been closed out, the only way to do this was by converting it to cash and counting that cash as a transfer as cash on hand in the Media Committee To Re-Elect the President. It was reported in that figure.

Senator ERVIN. I am a little mystified. How could it comply with the old law with reference to the receipt of $3,000 or less in cash by having $114,000 deposited in the bank account of Bernard L. Barker in Miami, Fla.?

Mr. SLOAN. Senator, I do not know any circumstances surrounding the deposit of the checks in Mr. Barker's account. That was not my intent in turning those checks over to Mr. Liddy.

Senator ERVIN. Who instructed you to turn them over to Mr. Liddy?

Mr. SLOAN. I believe I took them to Mr. Liddy in response to the conversation of Secretary Stans. He asked me, do we have any problem in handling these? I told him I did not know; I would check with counsel. His recommended way of handling this was a diversion to cash. He offered at that time to handle that transaction for me. It took him until mid-May to return those funds to me in cash form, minus roughly $2,500 expenditure.

Senator ERVIN. I hate to make comparisons, but I would have to say on that, Mr. Liddy in one respect was like the Lord, he moves in mysterious ways his wonders to perform. [Laughter.]

Now, as a matter of fact, do you not know that some of the funds that were drawn out, that represented proceeds of these checks which were drawn out of the Miami bank on Mr. Barker, were found in the possession of some of the people who were caught in the burglary at the Watergate?

Mr. SLOAN. I have since learned that; yes, sir.

Senator ERVIN. How long was it after the break-in before you learned that?

Mr. SLOAN. I believe not that specific reference, but the fact that these men had been found with $100 bills in their possession came out

3. At approximately 8:00 a.m. on the morning of the arrests, Henry Petersen, the Assistant Attorney General in charge of the Criminal Division of the Justice Department, telephoned Attorney General Richard Kleindienst at home to tell him of the arrests at the DNC headquarters.

Page

3.1 Henry Petersen testimony, 9 SSC 3611-12 102

3.2 Richard Kleindienst testimony, 9 SSC 3560 104

35-780 O - 74 - 8

AFTERNOON SESSION, TUESDAY, AUGUST 7, 1973

Senator ERVIN. The committee will come to order.

Counsel will call the first witness.

Mr. DASH. Mr. Henry E. Petersen.

Senator ERVIN. Mr. Petersen, will you stand up and raise your right hand? Do you swear that the evidence you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PETERSEN. I do, sir.

Senator ERVIN. You might state your name and occupation and residence for the record.

TESTIMONY OF HENRY E. PETERSEN, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE

Mr. PETERSEN. My name is Henry E. Petersen. I am Assistant Attorney General in the Criminal Division, U.S. Department of Justice. I reside at 916 Daleview Drive, Silver Spring, Md.

Senator ERVIN. Counsel will interrogate the witness.

Mr. DASH. Mr. Petersen, how long have you been Assistant Attorney General in charge of the Criminal Division, Chief of the Criminal Division?

Mr. PETERSEN. January 1972, I believe.

Mr. DASH. And prior to that appointment, Mr. Petersen, what position did you hold in the Department of Justice?

Mr. PETERSEN. Immediately prior to that I was Acting Assistant Attorney General for the period October 1971 to January 1972. Prior to that, Mr. Dash, I was Deputy Assistant Attorney General in the Criminal Division.

Mr. Dash. When actually did you first join the Department of Justice, Criminal Division?

Mr. PETERSEN. I first joined the Department of Justice in 1947. I joined the Criminal Division in, I think it was June 1951.

Mr. DASH. How and when did you first learn of the break-in of the Democratic National Committee headquarters at the Watergate on June 17, 1972?

Mr. PETERSEN. Approximately 8, 9 o'clock in the morning while I was at the breakfast table. I received a call from the U.S. Attorney Harold Titus of the District of Columbia who advised me that five people whose identities even at that point were somewhat in doubt, had been arrested at Democratic national headquarters in possession of what was considered to be at that time explosive equipment.

Mr. DASH. Did you follow up on this call?

Mr. PETERSEN. At that point I called the Attorney General at his home and told him about it, primarily because I did not know what the security arrangements were at the Republican National Committee To Re-Elect the President, whatever political office they had, and

if indeed persons had intentions of trying to demolish the Democratic headquarters I thought the same might be in offing for the Republican headquarters and I thought he ought to be forewarned.

Mr. DASH. Well, how soon did an investigation under the sponsorship of the Department of Justice begin in this case?

Mr. PETERSEN. Investigation was underway at that time. Mr. Titus' staff had already been alerted and he had assistants working on the matter at that point with the Metropolitan Police Department and the FBI who were just coming into it.

Mr. DASH. Now, what role as Chief of the Criminal Division did you play with regard to the U.S. Attorney's Office investigation?

Mr. PETERSEN. A general supervisory role, Mr. Dash. One of the early questions I had to decide was the degree of supervision that should be involved and since we knew at the close of Saturday, June 17, that what we had thought to be explosive devices were electronic listening devices, and that an individual named E. Howard Hunt was possibly implicated as a result of the fact that some of his checks or some information relating to him had been found at the scene, that there were immense political repercussions possible. And I decided at a very early stage that that investigation ought to be as isolated from the political element as it could possibly be. And I suggested that Mr. Titus appoint as principal assistant, Earl Silbert, to conduct the investigation in his office and report to Mr. Titus and to myself on a daily basis, oral reports on a daily basis.

Mr. DASH. What was your relationship with the Federal Bureau of Investigation during the investigation? Did you get any kind of reporting from the FBI?

Mr. PETERSEN. Well, the FBI, of course, reported—their reports to the prosecutors, Mr. Silbert and company, were more immediate than their reports to me. Their reports to me had to wait the normal process of bureaucracy, the preparation of the reports and the submission through normal channels, whereas the prosecutor on the scene was getting the witness statements almost immediately but the reports were coming over to me rather slowly at first, very slowly. As a matter of fact, when the publicity developed, with the cooperation of Inspector Baldwin I did not have statements in my office. I had to call the Bureau and ask them to send it over. They sent a whole package of reports at that time.

Mr. DASH. Was this slow reporting to you or did the prosecutors, the U.S. Attorney's Office, have that report?

Mr. PETERSEN. Well, they had the 302, yes. It was just——

Mr. DASH. Just how it came up to your office as Chief of the Criminal Division.

Mr. PETERSEN. That is correct. I was hearing about it from Mr. Silbert.

Mr. DASH. Now, shortly after the break-in, do you recall receiving a telephone call from Mr. Kleindienst who was at the Burning Tree Country Club?

Mr. PETERSEN. Mr. Kleindienst and I communicated three times on Saturday, June 17. The first call I placed approximately at 8 o'clock in the morning. The second call I was about to place when—indeed, if I had not heard his testimony or had discussed it with him, I would have said I placed the second call but he tells me he did, but in any

TESTIMONY OF RICHARD G. KLEINDIENST, FORMER ATTORNEY GENERAL

Mr. KLEINDIENST. Mr. Chairman, my name is Richard G. Kleindienst. My address is 8464 Portland Place, McLean, Va.

I do not have a prepared statement, Mr. Chairman. I am here voluntarily to provide to you, the members of the committee, and the counsel, whatever information that I have and which you deem to be relevant to your investigation.

Mr. DASH. Mr. Chairman, Mr. David Dorsen, assistant chief counsel, will open the questions.

Mr. DORSEN. Mr. Kleindienst, am I correct that you are presently engaged in the private practice of law?

Mr. KLEINDIENST. Yes, sir. After I left the Department of Justice I opened up an office in Washington, D.C., and I am a private practitioner by myself.

Mr. DORSEN. And you resigned as Attorney General as of April 30, 1973?

Mr. KLEINDIENST. I believe that it was April 30; yes, sir. Effective upon the qualification and appointment of my successor.

Mr. DORSEN. Could you please summarize for us briefly your background, especially with respect to your positions with the U.S. Government?

Mr. KLEINDIENST. I have only had two positions with the U.S. Government. That was the position of Deputy Attorney General of the United States, a position that I believe that I was—commenced around February 1969, and the other position that I have had with the U.S. Government is the Attorney General of the United States, a position that I commenced on or about June 8, 1972.

Mr. DORSEN. When for the first time did you learn that there was electronic surveillance of the Democratic National Committee headquarters at the Watergate?

Mr. KLEINDIENST. I learned it for the first time after June 17 when the individuals who were at the headquarters were arrested. I don't know whether I learned of the electronic surveillance on Saturday, June 17, or sometime in the early part of the next week.

Mr. DORSEN. But on June 17 you were notified of the fact that there had been a break-in?

Mr. KLEINDIENST. At approximately 8 o'clock in the morning, as Assistant Attorney General Henry Petersen of the Criminal Division of the Department of Justice called me at my home and indicated to me that there had been a break-in at the Democratic national headquarters at the Watergate Hotel. All the information that he had at that time was that there was a break-in and I believe he said to me it looks like it might have been a bombing case.

The next knowledge of any kind that I had with respect to it came, oh, approximately 3½ hours after that when I met with Mr. Gordon Liddy and Mr. Powell Moore in a section of lockers at the Burning Tree Club, which is a golf club in Washington, D.C.

Mr. DORSEN. How did that come about, Mr. Kleindienst?

Mr. KLEINDIENST. The reason I was at the Burning Tree Club, they had their annual member-guest golf tournament in which I was a participant. I think I was scheduled to tee off for the Saturday round

4. On the morning of June 17, 1972 Gordon Liddy telephoned Jeb Magruder, Chief of Staff to John Mitchell at CRP, at the Beverly Hills Hotel in California. Magruder returned Liddy's call from a pay telephone. Liddy advised Magruder of the arrests at the DNC headquarters. Shortly thereafter, Magruder met with John Mitchell, the Campaign Director of CRP, and Fred LaRue, Mitchell's Special Assistant at CRP, at the hotel. There was discussion regarding somebody's contacting Attorney General Richard Kleindienst concerning the arrests at the DNC headquarters. Later that day, Liddy and Powell Moore, an official at CRP, met with Attorney General Kleindienst at the Burning Tree Club near Washington, D. C. Liddy told Kleindienst that Mitchell had asked him to give Kleindienst a report on the break-in at the DNC headquarters and that some of the persons arrested might be employed by either the White House or CRP. Kleindienst called Henry Petersen and instructed him not to give special treatment to those arrested at the Watergate. Kleindienst told Liddy to leave the premises.

		Page
4.1	Jeb Magruder testimony, 2 SSC 798.	106
4.2	Fred LaRue testimony, 6 SSC 2284-85	107
4.3	Fred LaRue testimony, 6 SSC 2330	109
4.4	Richard Kleindienst testimony, 9 SSC 3560-62	110
4.5	John Mitchell testimony, 4 SSC 1662	113
4.6	Robert Mardian testimony, 6 SSC 2352-53	114

as I recall I only had one copy of these documents. As I recall, he did come over and look over the documents and indicate to me the lack of substance to the documents.

Mr. DASH. Now, in fact, Mr. Magruder, Mr. Liddy, Mr. Hunt, and others did go into another break-in of the Democratic National Committee headquarters in the early morning hours of June 17, 1972. Where were you when this occurred?

Mr. MAGRUDER. I was in Los Angeles, Calif.

Mr. DASH. Were you aware that this break-in was to take place?

Mr. MAGRUDER. No.

Mr. DASH. With whom were you in California?

Mr. MAGRUDER. I was with Mr. Mitchell, Mr. LaRue, Mr. Porter, Mr. Mardian; and we had a number of political activities in California that weekend.

Mr. DASH. What took place in Los Angeles when you first learned about the break-in?

Mr. MAGRUDER. Well, I was at breakfast at the Beverly Hills Hotel. There were a number of us, probably 8 or 10 of us at breakfast; I received a call from Mr. Liddy and he indicated to me I should get to a secure phone, and I indicated to him there was no way I can get to a secure phone at this time. He indicated there had been a problem the night before. I said well, what kind of a problem or something of that type, and he indicated that our security chief had been arrested at the Watergate, and I said you mean Mr. McCord, and he said yes. I think I blanched to say the least, and said, "I will call you back immediately on a pay phone to get more detail," and I did that. I went to a pay phone and called him back, and he gave me more detail which was simply that the five people had been apprehended at the Watergate, and that Mr. McCord was among the five.

Mr. DASH. Now, did you report that back to anybody?

Mr. MAGRUDER. Yes, I first talked with Mr. LaRue and indicated the problem, and Mr. LaRue then talked to Mr. Mitchell, and then Mr. Mitchell and Mr. LaRue and I discussed it again together. We knew that Mr. Mardian who was there was a closer friend of Mr. Liddy's than any of us, and Mr. Mitchell asked Mr. Mardian to call Mr. Liddy and ask him to see the Attorney General, the current Attorney General, Mr. Kleindienst, and see if there was any possibility that Mr. McCord could be released from jail.

Mr. DASH. Do you know what happened as a result of that call?

Mr. MAGRUDER. My understanding is that they went out to the Burning Tree Country Club, where Mr. Kleindienst was playing golf, and Mr. Kleindienst rebuffed Mr. Liddy and Mr. Powell Moore, who was with him.

Mr. DASH. Mr. McCord was not released?

Mr. MAGRUDER. No, he was not.

Mr. DASH. Did you call Mr. Reisner or Mr. Odle from California?

Mr. MAGRUDER. Yes, later that day. We had numerous conversations that day. We were trying to come up with a statement that Mr. Mitchell could make if he was asked in a press conference, and later release that statement. I discussed with Mr. Reisner the need to take certain files from my office. We were concerned about the break-in from our own standpoint because of Mr. McCord. We could not understand why Mr. McCord was involved in the situation, and we thought that maybe,

Mr. LaRue. Yes, sir, I raised the question and speculated with Mr. Magruder on several occasions as to how this came about.

Mr. Dash. Well, then, it is not true that you did not talk to him until March or April but that you discussed this actually during the months of June, July, or August 1972?

Mr. LaRue. After the break-in, yes, sir.

Mr. Dash. And what did Mr. Magruder say to you when you discussed this with him about his role or his participation in the break-in?

Mr. LaRue. Mr. Magruder's conversations with me were reflected in his testimony up here. He told me virtually—told me the same thing that he testified to before this committee as to his role in the break-in.

Mr. Dash. In other words, he made a complete confession to you?

Mr. LaRue. Yes, sir.

Mr. Dash. Do you know when was the first time he did that? Approximately? I do not want to push you to a date.

Mr. LaRue. I have no specific recollection of dates, Mr. Dash, but I would say in the period of a week or 10 days after the break-in.

Mr. Dash. And did he not, Mr. LaRue, tell you about a phone call that he received from Mr. Colson concerning the so-called Liddy plan?

Mr. LaRue. Yes, sir.

Mr. Dash. Could you tell us what he told you about that phone call?

Mr. LaRue. As I recall, Mr. Dash, this conversation occurred as a result of speculation that Magruder and I were having on who may be involved or who may have had knowledge of the Watergate break-in. He told me that he had had a call from Mr. Colson, I think sometime in the period of March or April, in which Mr. Colson had asked Mr. Magruder why they could not get an approval on the Liddy budget.

Mr. Dash. Did he tell you then or remind you that he understood that you were present at his side, in the room, when he received the phone call from Mr. Colson?

Mr. LaRue. I do not recall any such discussion, no, sir.

Mr. Dash. You know of his testimony before this committee, in which he has testified that you were in the room?

Mr. LaRue. Yes, sir, I am aware of that. My recollection is as I have just stated.

Mr. Dash. Now, when you state that Mr. Magruder told you everything, it was about a week or so after the break-in. Was anybody else present when he said that to you or told you about this?

Mr. LaRue. Not that I recall. As I recall, it had been a discussion between just Mr. Magruder and I.

Mr. Dash. Now, Mr. LaRue, when and where did you actually first hear about the June 17 break-in matter?

Mr. LaRue. At the Beverly Hills Hotel in Los Angeles, Calif.

Mr. Dash. Were you with anybody else at that time?

Mr. LaRue. Yes, sir, we were on a trip. Present were Mr. Mitchell, Mr. Magruder, Mr. Mardian, Mr. Porter, I think Mr. Caldera from the committee. I mean these were the people who were present from the reelection committee.

Mr. Dash. Now, can you tell the committee as clearly as you can recall, how that news came to you, who first learned about it and how you learned about it, and what was done?

Mr. LaRue. As I recall, Mr. Dash, we were having breakfast on—I think Saturday morning—I guess that would be June 17. Mr. Magruder was paged, went to the telephone. He came back to the table

and said that he had had a rather unusual, strange call from Gordon Liddy, who wanted him to go to some, as I recall, some NASA installation or NASA base in Los Angeles, where there was a secure phone, and to use this phone to call back to Mr. Liddy in Washington.

Mr. DASH. Did Mr. Magruder say anything about what the problem was? Do you recall the words as nearly as possible?

Mr. LARUE. Well, he indicated that Mr. Liddy—he said Mr. Liddy indicated that there was a problem he wanted to discuss and Mr. Magruder, in an aside to me, said that, you know, I think maybe last night was the night they were going into the Democratic National Committee.

Mr. DASH. Did that mean anything to you when he said that?

Mr. LARUE. Well, specifically, no, but it, in view of the fact that I was aware of this plan that had been discussed in Key Biscayne, it certainly aroused a great curiosity or interest on my part, yes, sir.

Mr. DASH. Now, what followed? Mr. Magruder then went ahead and spoke to Mr. Liddy?

Mr. LARUE. I think I told Mr. Magruder that, why didn't he just go and use a pay phone, that that would probably be secure enough for the purposes.

Mr. DASH. What did he do?

Mr. LARUE. He called Mr. Liddy back and then came back and told me that Liddy had told him that there had been a break-in at the Democratic National Committee; I think five people had been caught inside, and that one of the people was Mr. McCord, who was our security man at the reelection committee.

Mr. DASH. Now, was that information relayed to Mr. Mitchell?

Mr. LARUE. Yes; I personally relayed that to Mr. Mitchell.

Mr. DASH. What was Mr. Mitchell's reaction?

Mr. LARUE. I had gotten Mr. Mitchell out of another meeting. We went into an adjoining room. I relayed this information to Mr. Mitchell. He was very surprised. I think as I recall, he made the statement, "That is incredible."

Mr. DASH. Now, did Mr. Mitchell give any instructions to anybody after getting that information?

Mr. LARUE. Not at that time. As I recall, Mr. Mitchell went back into his meeting. Then later on, I think Mr. Magruder and I and Mr. Mitchell met and, yes, Mr. Mitchell asked that someone call Mr. Liddy and have him contact Mr. Kleindienst, the Attorney General, and have Mr. Kleindienst get in touch with Chief Wilson and see what details we could find out about this situation.

Mr. DASH. Now, was anything else done to your knowledge, while you were out in California, concerning the break-in?

Mr. LARUE. Well, yes, there was a—Mr. Mitchell issued a press statement on the instant—I think that was Saturday afternoon.

Mr. DASH. Anything else?

Mr. LARUE. Well, there were several telephone calls made back and forth from Washington to—I mean, from Los Angeles to Washington, to our press office here.

Mr. DASH. I take it there was quite a commotion.

Mr. LARUE. Yes, sir.

Mr. DASH. Now, you returned. When did you return to Washington from California?

Mr. LaRue. Well, Senator, we were at breakfast. I am sure several people were present at breakfast, but he made the statement to me in an aside, where no one else heard it.

Senator Baker. Did you convey that information to anyone else?

Mr. LaRue. No, sir; I didn't.

Senator Baker. Did Mr. Magruder make the same or a similar statement to anyone else at that time?

Mr. LaRue. Not that I know of, Senator.

Senator Baker. Did you gain the impression, Mr. LaRue, that others present in California on that occasion also knew that that was the night that they were going to break into the DNC?

Mr. LaRue. No, sir; I did not.

Senator Baker. Were you present when Mr. Mitchell received that information, that in fact there had been an entry into the DNC?

Mr. LaRue. Yes, sir; I gave him the information.

Senator Baker. What was his reaction?

Mr. LaRue. His reaction was one of surprise.

Senator Baker. Can you characterize that a little further?

Mr. LaRue. I testified, I think, to that point yesterday, Senator. Mr. Mitchell did indicate surprise, I think made the statement: "That is incredible."

Senator Baker. Mr. LaRue, on another point, you indicated that someone said to contact Kleindienst, meaning former Attorney General Kleindienst, I understand, and to ask him to contact Chief Wilson, the Chief of Police for the District of Columbia, about the release of certain people arrested on the morning of June 17.

Mr. LaRue. No, sir; I did not testify to that, Senator. I said that in my recollection of that incident, that Mr. Mitchell asked that a phone call be made to Gordon Liddy and that Mr. Liddy contact Mr. Kleindienst and Mr. Kleindienst contact Chief Wilson to see what details he could get on the break-in.

Senator Baker. OK.

So, the suggestion was from Mitchell to call Liddy, or someone to call Liddy.

Who was to call Liddy?

Mr. LaRue. Senator, I don't recall who made the telephone call. I did not.

Senator Baker. All right.

For someone to call Liddy or Liddy to call Kleindienst or Kleindienst to call Wilson to find out what went on.

Mr. LaRue. That is correct.

Senator Baker. Why Liddy?

Mr. LaRue. I can't answer that question, Senator. Mr. Liddy was at that time a person in Washington with whom the conversations were being had.

Senator Baker. Was the call in fact made or do you know, Mr. LaRue?

Mr. LaRue. Yes, the call was made.

Senator Baker. But you don't recall who made it?

Mr. LaRue. No, I do not recall who made it.

Senator Baker. Was this a report back on the results of that telephone call to Mr. Liddy?

Mr. LaRue. Not that I recall.

TESTIMONY OF RICHARD G. KLEINDIENST, FORMER ATTORNEY GENERAL

Mr. KLEINDIENST. Mr. Chairman, my name is Richard G. Kleindienst. My address is 8464 Portland Place, McLean, Va.

I do not have a prepared statement, Mr. Chairman. I am here voluntarily to provide to you, the members of the committee, and the counsel, whatever information that I have and which you deem to be relevant to your investigation.

Mr. DASH. Mr. Chairman, Mr. David Dorsen, assistant chief counsel, will open the questions.

Mr. DORSEN. Mr. Kleindienst, am I correct that you are presently engaged in the private practice of law?

Mr. KLEINDIENST. Yes, sir. After I left the Department of Justice I opened up an office in Washington, D.C., and I am a private practitioner by myself.

Mr. DORSEN. And you resigned as Attorney General as of April 30, 1973?

Mr. KLEINDIENST. I believe that it was April 30; yes, sir. Effective upon the qualification and appointment of my successor.

Mr. DORSEN. Could you please summarize for us briefly your background, especially with respect to your positions with the U.S. Government?

Mr. KLEINDIENST. I have only had two positions with the U.S. Government. That was the position of Deputy Attorney General of the United States, a position that I believe that I was—commenced around February 1969, and the other position that I have had with the U.S. Government is the Attorney General of the United States, a position that I commenced on or about June 8, 1972.

Mr. DORSEN. When for the first time did you learn that there was electronic surveillance of the Democratic National Committee headquarters at the Watergate?

Mr. KLEINDIENST. I learned it for the first time after June 17 when the individuals who were at the headquarters were arrested. I don't know whether I learned of the electronic surveillance on Saturday, June 17, or sometime in the early part of the next week.

Mr. DORSEN. But on June 17 you were notified of the fact that there had been a break-in?

Mr. KLEINDIENST. At approximately 8 o'clock in the morning, as Assistant Attorney General Henry Petersen of the Criminal Division of the Department of Justice called me at my home and indicated to me that there had been a break-in at the Democratic national headquarters at the Watergate Hotel. All the information that he had at that time was that there was a break-in and I believe he said to me it looks like it might have been a bombing case.

The next knowledge of any kind that I had with respect to it came, oh, approximately 3½ hours after that when I met with Mr. Gordon Liddy and Mr. Powell Moore in a section of lockers at the Burning Tree Club, which is a golf club in Washington, D.C.

Mr. DORSEN. How did that come about, Mr. Kleindienst?

Mr. KLEINDIENST. The reason I was at the Burning Tree Club, they had their annual member-guest golf tournament in which I was a participant. I think I was scheduled to tee off for the Saturday round

in the afternoon. I was having lunch in the main dining room area of the Burning Tree Club. I looked up and Mr. Gordon Liddy, who I recognized, came in with Mr. Powell Moore and I likewise recognized him.

Mr. DORSEN. Who is Mr. Powell Moore?

Mr. KLEINDIENST. Mr. Powell Moore was the Deputy Public Information Officer of the Department of Justice when I was there as the Deputy Attorney General. When Mr. Mitchell resigned as Attorney General and went over to the Committee for the Re-Election of the President, Mr. Powell Moore went with him to the campaign committee. I do not know what his title was at the campaign committee but I knew Powell Moore quite well as a result of our association together at the Department of Justice.

Mr. DORSEN. I believe you indicated you recognized Gordon Liddy. What were the circumstances under which you first met or got to know Mr. Liddy?

Mr. KLEINDIENST. The only association I ever had with Mr. Liddy, except for this particular meeting on Saturday, June 17, was in the year 1969 when I headed, on behalf of the executive branch, a task force that was looking into and devising a program of action with respect to the marihuana traffic from the country of Mexico into the United States. I believe that Mr. Liddy at that time was an officer or employed by the Treasury Department and he was one of the representatives from the Treasury Department in that task force. There were representatives from six or seven Departments of the Government. That would have been in the late spring of 1969 and the summer of 1969. To the best of my recollection I never saw Gordon Liddy after that time in the intervening years until that Saturday morning on June 17 and I have not seen him since.

Mr. DORSEN. What was the nature of the experience that the Justice Department had with Mr. Liddy in connection with his role in Operation Intercept?

Mr. KLEINDIENST. I had no experience with him because he was under the jurisdiction of the Secretary of the Treasury. He had one assignment, as I recall, with respect to going from town to town along the United States-Mexican border to inform the business community we were quite concerned about so-called Operation Intercept. My recollection, which is not very precise, is that the manner in which Mr. Liddy was giving information with respect to our program was unsatisfactory and I believe that based upon information that I got, I recommended to the Secretary of the Treasury or Mr. Rossides, who was, I think, his immediate superior, that Mr. Liddy be called back from that assignment and not to continue any further with it.

Mr. DORSEN. Do you have any other recollection about any possible problems with Mr. Liddy or why his performance was considered unsatisfactory?

Mr. KLEINDIENST. No, sir.

Mr. DORSEN. Directing your attention to the locker room of the Burning Tree Country Club, what happened when you saw Mr. Moore and Mr. Liddy there?

Mr. KLEINDIENST. The first thing that I remember with some preciseness is the fact that Mr. Liddy, when he came into the entranceway of the dining area and saw me, in a rather furtive manner made a

motion to me like this, indicating come here. I got up out of my chair and went over there. He was very agitated and seemed to be quite upset. He said that I have to talk to you in private. Where I was standing was not a very private place; there must have been 60 or 70 men who were eating or standing around. Right to the left of where he was there was a little locker room complex at the club. I looked in there and no one was in there so I said, "Gentlemen, come in here, I think this would be a private place to talk." We went in there. Mr. Liddy said that I have been asked to come out and give you a report with respect to the Watergate break-in last night or the break-in at the Democratic National Committee, I do not know which he said. He said to me that he believed that some of the persons who were arrested might be employed by either the White House or the Committee for the Re-Election of the President.

My reaction to that statement was instantaneous and rather abrupt. I think he also said, although I do not have too precise a recollection of it, that Mr. Mitchell had asked him to come out and talk to me. That was incredible to me. The relationship I had with Mr. Mitchell was such that I do not believe that he would have sent a person like Gordon Liddy to come out and talk to me about anything; he knew where he could find me 24 hours a day. In any event, as a result of my surprise, my incredulity, and, I think, my instant realization of the implications of what he had just said prompted me to pick up the telephone and locate Mr. Henry Petersen. That I was able to do very quickly. All I had to do was to call the Justice Department switchboard and have her call him at home and put him on the phone. Since Mr. Petersen had called me at 8 o'clock I did not have to explain much to Henry. I told him, and I have always been under the impression I said to Mr. Petersen, that Mr. Gordon Liddy of the campaign committee is here. Mr. Petersen, based upon a conversation I have had with him, does not remember my mentioning Mr. Liddy's name, but in any event, I was intent upon giving him a very specific direct instruction right then that with respect to those who were arrested at the Watergate they should be given no treatment different than anybody who might have been arrested in circumstances of that kind. I was quite upset. To the best of my recollection, the next thing I did was to turn to Mr. Liddy and tell him to leave the premises because I know immediately thereafter Mr. Moore and Mr. Liddy left.

Mr. DORSEN. Mr. Kleindienst, aside from the conversation you had with Mr. Petersen which you have just described, to whom else did you recount the incident at Burning Tree?

Mr. KLEINDIENST. I might have told Mr. Dean, I do not recollect doing so. I have no recollection of recounting this incident to anyone else until I was interrogated by personnel from the Select Committee and also personnel from the Special Prosecutor Cox staff.

Mr. DORSEN. You are aware, are you not, that Mr. Dean has testified with respect to reported conversations you had with him?

Mr. KLEINDIENST. Right.

Mr. DORSEN. On the subject?

Mr. KLEINDIENST. I have no recollection of mentioning it to him. If he recollects it inasmuch as the events occurred, then I think on that instance I would have to credit Mr. Dean's testimony.

Mr. DORSEN. Did you participate in a conversation with Mr. Henry Petersen and Mr. Dean concerning the possibility of going to the

Mr. MITCHELL [continuing]. Senator, that if you would have, I know you are reading from one of these minicharts but some of the things they do not have up there is that there is an 8:15 a.m. morning meeting in the White House.

Senator TALMADGE. You should have ample opportunity to state whatever you want to, Mr. Mitchell, if that chart is different from your views do not hesitate to say so, we want the facts, only the facts.

Mr. MITCHELL. I cannot see it from here and it does not make any difference anyway, because I have got a directory here but what I would point out is that during this period which I have—which I have testified to earlier today, until I left the committee as the campaign director, there was a meeting at 8:15 a.m. in the White House every morning. This was the regular staff meeting that involved legislative liaison, Dr. Kissinger, General Haig, et cetera. So, when I say when you ask me when did I first talk to these people about the Watergate, of course, it was a continuing subject matter basically in the concept of the political problems that presented because by the, I guess the, 20th or certainly the 21st, the Democrats had threatened their lawsuit, they filed it, I think, on the 22d and we had had a verbal press battle over the circumstances from then on constantly day in and day out about the matter.

Senator TALMADGE. Did you talk to Mr. Colson about the same time?

Mr. MITCHELL. I am sure that I would because he would have attended those meetings.

Senator TALMADGE. Did you direct Robert Mardian to telephone Liddy on June 17 and ask him to try to persuade Mr. Kleindienst, then the Acting Attorney General, to arrange for Mr. McCord to be released from bail as Mr. Magruder has testified?

Mr. MITCHELL. No, sir, I am sure, I assure you, that would not be the case. There was some conversation that somebody might call up the Acting Attorney General to find out what the hell happened but I noticed in Mr. Magruder's testimony he said that I selected Mardian because Mardian was a great friend of Liddy's and if there is anybody who were on the opposite ends of the stick it would have been Mardian and Liddy.

Senator TALMADGE. Would you say then that Mr. Magruder committed perjury before this committee?

Mr. MITCHELL. I cannot characterize anything as perjury, Senator. That does not happen to be a fact, what you have just said, and I have just denied it and I am sure the other people who were present will also deny it.

Senator TALMADGE. You are a good lawyer, Mr. Mitchell, testifying under oath to a lie is commonly referred to as perjury, is it not?

Mr. MITCHELL. Well, yes; but you also have to have intents, I think, along with it under certain circumstances and I am sure that some of these conversations have got garbled and mixed up in the intervening year and a half or so. I would not want to characterize anybody——

Senator TALMADGE. What you are saying is intentions might be good but his facts are wrong, is that correct?

Mr. MITCHELL. Could very well be that the recollection was not quite accurate. There are many of other circumstances some of which I have testified to and some of which I presume I will in connection with my

Mr. HAMILTON. Well, what is your best recollection as to whether Mr. Mitchell was in the room when that was discussed?

Mr. MARDIAN. That is my best recollection. I am trying to be fair, however. When you ask about meetings and I have heard all types of meetings took place in Mr. Mitchell's office and other places. With respect to Mr. Mitchell's office, any time anybody walked in the room, as I understand it, his secretary would log it and that was a meeting. Sometimes, you would walk in to see that somebody else was there and you would walk out and you attended a meeting. I hate to characterize a formal meeting where he sat down and admitted that he had approved a black advance budget. That is my best recollection that he was present and that I discussed it.

Senator ERVIN. If counsel would excuse me for interjecting this remark at this time, I don't know any way that any human being can testify as to a past event except by giving his best recollection.

Mr. MARDIAN. Thank you.

Mr. HAMILTON. Mr. Mardian, while in California, did you receive an assignment from Mr. Mitchell regarding the Watergate matter?

Mr. MARDIAN. Could you be more specific?

Mr. HAMILTON. All right.

Did Mr. Mitchell assign you to deal with the legal matters that might arise in connection with the break-in?

Mr. MARDIAN. Yes.

Mr. HAMILTON. Mr. Mardian, while in California, did you make several telephone calls to Mr. Liddy?

Mr. MARDIAN. I believe that my records show that—which I have turned over to the committee and these are records of calls that I turned in to the Committee To Re-Elect the President—that I talked to Mr. Liddy on three occasions—two occasions—three occasions. The records show three and there were three, but one of the ones that the record shows was not a call to Mr. Liddy, as I recall.

Mr. HAMILTON. Do you remember when these calls took place—on Saturday or Sunday?

Mr. MARDIAN. The first time I talked to Mr. Liddy, I believe, was on Saturday and that was not a call from me to him, but a call from him to me, as I recall. It is possible I may have returned the call, but—that is my best recollection.

Mr. HAMILTON. Did you also talk to Mr. Liddy on Sunday?

Mr. MARDIAN. I talked to Mr. Liddy on Sunday twice, as I recall.

Mr. HAMILTON. Now, can you give us the best recollection you have of the substance of these three telephone calls?

Mr. MARDIAN. The first telephone call was a—as I recall—was an urgent demand on the part of Mr. Liddy that I return to Washington. I had indicated in that call, as I understand it, that Mr. Magruder was going to return, that he did not want Mr. Magruder to return, he wanted me to return. He was very reluctant to—not only reluctant, he refused to use the telephone to discuss anything about Watergate. He did, however, make some derogatory remarks about Mr. Magruder. That is all I recall about the first telephone call.

Mr. HAMILTON. Would you go on to the second and the third, please?

Mr. MARDIAN. I had told Mr. Liddy about the plans that I heard, that Mr. Magruder was going to return, I would communicate with Mr. Mitchell, and I will let him know.

Mr. HAMILTON. And the final telephone call?

Mr. MARDIAN. Well, that was the first telephone call.

The second telephone call, as I recall was when I called to tell him that I was not going to return and that Mr. Magruder had left—had returned.

Mr. HAMILTON. And what was the final telephone call?

Mr. MARDIAN. The final telephone call was with respect to a call I got from Powell Moore. Powell Moore called me on Sunday. I previously testified that these conversations, I testified originally that they were Sunday. I was told that they were on Saturday. I wasn't sure. I have now, checking the records of the calls, that these calls took place on Sunday.

Powell Moore called me to tell me of an occurrence the previous day. He said that he wanted me to know, for Mr. Mitchell to know, that Mr. Liddy had told him in his presence that he had received a call from Mr. Mitchell, that Mr. Mitchell had instructed him to go see Mr. Kleindienst and to have Mr. Kleindienst get the Watergate burglars released from jail. He told me that he did not believe that these instructions came from Mr. Mitchell.

He told Mr. Liddy that he should not contact Mr. Kleindienst; that when he realized that he was, in fact, going to contact Mr. Kleindienst, he went with him; that Mr. Liddy made contact with Mr. Kleindienst at the Burning Tree Country Club and that in order to advise Mr. Kleindienst that he was not to pay any attention to Mr. Liddy, he said he stood behind Mr. Liddy so that Mr. Liddy could not see him, but that Mr. Kleindienst could, and shook his head as violently as he could so that Mr. Kleindienst would know that what he was telling him was an untruth.

He told me that Mr. Kleindienst, in effect, had told Mr. Liddy to go to hell, and as I understood it, went on playing golf.

I then called Mr. Kleindienst. I think I told Mr. Mitchell about it. Mr. Mitchell was amazed. I believe I told—I then called Mr. Kleindienst to tell him that Mr. Mitchell had given no such instructions and Mr. Kleindienst told me, I believe, that he was satisfied that he had not given any instructions and in effect, said, keep that—he used an adjective—away from me.

I then called Mr. Liddy and reprimanded him: told him that Mr. Mitchell had given no instructions and that he had done a very, committed a very embarrassing error on the part of the Attorney General.

Mr. HAMILTON. Mr. Mardian, I want to read to you a portion of Mr. Magruder's testimony that is found at page 1910 of the record:

> We knew that Mr. Mardian, who was there, was a closer friend of Mr. Liddy's than any one of us, and Mr. Mitchell asked Mr. Mardian to call Mr. Liddy and ask him to see the Attorney General, the current Attorney General, Mr. Kleindienst, and see if there was any possibility that Mr. McCord could be released from jail.

Mr. MARDIAN. That statement is not true.

Mr. HAMILTON. Mr. Mardian, can you suggest any reason why Mr. Magruder would falsely testify as to such a phone call on your part?

Mr. MARDIAN. I honestly—I don't think Mr. Magruder would intentionally falsely testify. The subject of the Liddy trip to see Mr. Kleindienst was much discussed. Mr. Liddy's position, or the story that Powell Moore told, was that, as I recall, that John Mitchell had called

5. In the late afternoon of June 17, 1972 Secret Service Agent Boggs telephoned John Ehrlichman, Assistant to the President, and told him that one of the persons arrested at the DNC headquarters had in his possession a document referring to Howard Hunt, who apparently was a White House employee. Later that day, Ehrlichman telephoned Ronald Ziegler, the President's press secretary, who was with the Presidential party in Florida. Ehrlichman told Ziegler the substance of his telephone conversation with Agent Boggs. Ehrlichman also telephoned Charles Colson, Special Counsel to the President, and discussed Hunt's White House employment status.

Page

5.1 John Ehrlichman testimony, 6 SSC 2580..... 118

5.2 Charles Colson deposition, O'Brien [DNC] v. McCord, August 30, 1972, 31-32..... 119

35-780 O - 74 - 9

Mr. EHRLICHMAN. No, sir.

Senator BAKER. When did you first learn of the break-in?

Mr. EHRLICHMAN. On the day following the break-in, when I received this telephone call toward dusk, late in the afternoon.

Senator BAKER. From whom?

Mr. EHRLICHMAN. From Mr. Boggs of the Secret Service.

Senator BAKER. And I know this is somewhat repetitious, but tell us again, for the sake of sequence, what Mr. Boggs told you?

Mr. EHRLICHMAN. Briefly, he said that he had had a report from the Metropolitan Police Department about this incident because some of the people who had been picked up, or one of them, had in his possession the name of someone who apparently was a White House employee. And that was Howard Hunt.

Senator BAKER. What was your reaction to that?

Mr. EHRLICHMAN. I asked him a little bit about the circumstances, when it had happened, how many people were involved, whether anybody from the White House was directly involved, this kind of thing, and thanked him very much.

Senator BAKER. What did he say?

Mr. EHRLICHMAN. He said that as far as he knew, that was the only connection with the White House, just the possession of this fellow's name, and he told me that five people had been caught redhanded burglarizing the Democratic National Committee headquarters.

Senator BAKER. Did he tell you the names of the five people?

Mr. EHRLICHMAN. He may have, but it didn't mean anything to me.

Senator BAKER. What did you do with the information?

Mr. EHRLICHMAN. I made a phone—I made two phone calls. I called Ron Ziegler, the press secretary, who was with the President in Florida, and told him about that telephone call because I thought he might be getting some inquiries or would want to make some inquiries.

Senator BAKER. Is that the first call you made?

Mr. EHRLICHMAN. I think it is, although it may have been in reverse order.

I also called Mr. Colson to find our whether Howard Hunt still was employed in the White House. And I am not sure whether I did that in response to a question from Mr. Ziegler or not, but both were in rapid sequence.

Senator BAKER. Did you call anyone else except Mr. Ziegler and Mr. Colson on June 17?

Mr. EHRLICHMAN. Not that I can recall. Mr. Caulfield testified here that he called me, and he may have. I don't have a specific recollection of the phone call, but if he did, it was after the call from Mr. Boggs.

Senator BAKER. Did anvone else call you on June 17?

Mr. EHRLICHMAN. I believe not.

Senator BAKER. So the sum total of your information was a call from Mr. Boggs of the Secret Service and the sum total of your activity was to call Mr. Zeigler and Mr. Colson?

Mr. EHRLICHMAN. Right.

Senator BAKER. Did you read the newspaper accounts of the break-in?

Mr. EHRLICHMAN. Yes, sir.

it, I have answered the questions.

Q. Can you tell us the names of those reporters, if you can remember, with whom you talked on this subject?

A. Well, it came up in an interview that I had with Norman Kempster of UPI.

Q. How do you spell his name, please?

A. K-e-m-p-s-t-e-r, I think. That is fairly easy, because I have only had two interviews besides the one with Gill, and I assume it came up in the other one. I know it came up in the Kempster one. The other one would have been with Jerry Schector. That is spelled S-c-h-e-c-t-o-r, I think, Jerry Schector, of Time Magazine.

Q. When did you first learn, Mr. Colson, of the alleged break-in of the Democratic National Committee Headquarters?

A. I first heard about it on Saturday afternoon, June --

Q. 17?

A. 17.

Q. Under what circumstances?

A. I received a call from John Ehrlichman. I was home. It was about -- it was late afternoon. He simply asked me if I had seen -- did I know where Howard Hunt was. I think that

is the way the question was asked. And I said no. And he asked me how long it had been since I had seen Howard Hunt. I said quite a long time, several months. And I asked him why he asked.

He said, "Well, there is a report of a break-in at the Watergate, and one of the people arrested had something in his possession with Howard Hunt's name on it."

I think he then asked if I knew Doug Caddy, and I said no; that I had heard the name, but I didn't know him. And that was the sum and substance of the conversation.

Q. You remembered on June 17th that you had heard the name Douglas Caddy?

A. Yes, that is correct.

Q. This was without talking to your secretary?

A. That is correct. The name was a familiar name to me, but I could not place where.

Q. You could not put it in context?

A. No.

Q. What time was the call that you received from John Ehrlichman on June 17th, if you can tell us, to the best of your ability?

A. Oh, I would say around five.

Q. All right.

A. Five in the afternoon or maybe six o'clock.

6. During the evening of June 17, 1972 Assistant Attorney General Petersen telephoned Attorney General Kleindienst and told him that documentation relating to a White House consultant had been found at the scene of the break-in at the DNC headquarters.

Page

6.1 Henry Petersen testimony, 9 SSC 3612-13..... 122

if indeed persons had intentions of trying to demolish the Democratic headquarters I thought the same might be in offing for the Republican headquarters and I thought he ought to be forewarned.

Mr. DASH. Well, how soon did an investigation under the sponsorship of the Department of Justice begin in this case?

Mr. PETERSEN. Investigation was underway at that time. Mr. Titus' staff had already been alerted and he had assistants working on the matter at that point with the Metropolitan Police Department and the FBI who were just coming into it.

Mr. DASH. Now, what role as Chief of the Criminal Division did you play with regard to the U.S. Attorney's Office investigation?

Mr. PETERSEN. A general supervisory role, Mr. Dash. One of the early questions I had to decide was the degree of supervision that should be involved and since we knew at the close of Saturday, June 17, that what we had thought to be explosive devices were electronic listening devices, and that an individual named E. Howard Hunt was possibly implicated as a result of the fact that some of his checks or some information relating to him had been found at the scene, that there were immense political repercussions possible. And I decided at a very early stage that that investigation ought to be as isolated from the political element as it could possibly be. And I suggested that Mr. Titus appoint as principal assistant, Earl Silbert, to conduct the investigation in his office and report to Mr. Titus and to myself on a daily basis, oral reports on a daily basis.

Mr. DASH. What was your relationship with the Federal Bureau of Investigation during the investigation? Did you get any kind of reporting from the FBI?

Mr. PETERSEN. Well, the FBI, of course, reported—their reports to the prosecutors, Mr. Silbert and company, were more immediate than their reports to me. Their reports to me had to wait the normal process of bureaucracy, the preparation of the reports and the submission through normal channels, whereas the prosecutor on the scene was getting the witness statements almost immediately but the reports were coming over to me rather slowly at first, very slowly. As a matter of fact, when the publicity developed, with the cooperation of Inspector Baldwin I did not have statements in my office. I had to call the Bureau and ask them to send it over. They sent a whole package of reports at that time.

Mr. DASH. Was this slow reporting to you or did the prosecutors, the U.S. Attorney's Office, have that report?

Mr. PETERSEN. Well, they had the 302, yes. It was just——

Mr. DASH. Just how it came up to your office as Chief of the Criminal Division.

Mr. PETERSEN. That is correct. I was hearing about it from Mr. Silbert.

Mr. DASH. Now, shortly after the break-in, do you recall receiving a telephone call from Mr. Kleindienst who was at the Burning Tree Country Club?

Mr. PETERSEN. Mr. Kleindienst and I communicated three times on Saturday, June 17. The first call I placed approximately at 8 o'clock in the morning. The second call I was about to place when—indeed, if I had not heard his testimony or had discussed it with him, I would have said I placed the second call but he tells me he did, but in any

event since I do not recall, I am sure it is true. The third call I communicated to him and he was making a speech at the Statler-Hilton Hotel and I had to run him down through the security service down there. He had to speak very guardedly. What I was trying to report to him was that documentation relating to a White House consultant had been found at the scene. I thought it was important that he have that information.

Mr. DASH. Did he tell you about a meeting he had or an encounter, really, at the Burning Tree Country Club with Mr. Liddy shortly after the break-in?

Mr. PETERSEN. Yes; recently. The second call, whether I made it or he made it, I remember predominantly because he said, Henry, I want these people treated the same as everybody else. I conveyed to him at that point the information about the electronic equipment and I guess I thought it a little odd that he should make that statement because I did not know any other way to treat them. But I do not recall him telling me that Liddy was there. If he did, I simply do not remember it.

Mr. DASH. What were your relationships with Mr. John Dean at the White House during this period of time?

Mr. PETERSEN. Good. Good. John Dean, I guess, was kind of an unofficial liaison with the Justice Department since he had been there. We knew him. He worked in the Deputy Attorney General's office. He was in communication with us frequently with respect to interpretations of the Corrupt Practices Act. So we had frequent dealings. Relationships were good.

Mr. DASH. Did he inform you that he was in charge in any way or liaison between the White House and any investigation.

Mr. PETERSEN. Not at that stage, Mr. Dash.

I suppose the practice of discussing this matter with John Dean arose the first instance out of the request of Mr. Silbert and the FBI, rather than of their complaints that the White House was dragging its feet.

Mr. DASH. Do you know about when this took place?

Mr. PETERSEN. This was early in the investigation. People were to be interviewed and appointments were not being kept or being delayed and they would call upon me to expedite them and I would call John Dean and I have to say whenever I called him he was frankly helpful.

Mr. DASH. Do you recall a meeting on or about June 20, 1972, in Mr. Klenidienst's office, where Mr. Dean was and at which Mr. Dean made some statements to you, according to his testimony, that this investigation should go very high, in fact it might involve the White House; in fact he testified he didn't know how far it might go.

Mr. PETERSEN. I remember the circumstances, I don't remember it as Mr. Dean testified to it. I was called up to Mr. Klendienst's office. Mr. Dean was already there. They asked for a status report and I gave them a general status report on the nature of the investigation. We had some discussion. I think commonplace discussion. My God, what has happened, who is doing this and what type of a situation is this. And I told him that, I remember the words very distinctly, I said, "John, I don't know who I am talking about but whoever is responsible for this is a damn idiot and there is only one thing that the President of the United States can do and that is cut his losses and the way that he should do that is to instruct the Attorney General publicly to run an

7. On June 18, 1972 H. R. Haldeman, Chief of Staff to President Nixon, who was at Key Biscayne, Florida with the Presidential party, spoke by telephone with Jeb Magruder, who was in California. Haldeman directed Magruder to return to Washington, D. C. to meet with Counsel to the President John Dean, Haldeman's Special Assistant Gordon Strachan, and FCRP Treasurer Hugh Sloan to learn what had happened and determine the source of the money found in the possession of the persons arrested at the DNC headquarters. By the following day, Magruder had returned to Washington.

Page

7.1 Jeb Magruder testimony, 2 SSC 799 126

7.2 H. R. Haldeman testimony, 8 SSC 3039 127

since this break-in was done in a rather amateurish way, that possibly there was some double-agent activity going on here, and we were honestly concerned about our own files.

I did ask Mr. Reisner to remove certain files—my advertising file, the budget file, our strategy file, and the Gemstone file. Then I talked with him and Mr. Odle, and Mr. Odle took the Gemstone file home.

Mr. DASH. Did you talk to anybody else from California?

Mr. MAGRUDER. Well, yes, I talked to Powell Moore, as I recall. I cannot recall any other specifically——

Mr. DASH. Did you call Mr. Strachan?

Mr. MAGRUDER. Oh, yes, I called Mr. Strachan that evening.

Mr. DASH. What did you tell Mr. Strachan?

Mr. MAGRUDER. I told him—of course, he knew no more than we knew. He knew that they had been apprehended, and we had a problem and just discussed in a sense that we had a problem, and we did not quite know what to do about it. At that time, we had heard that there was some money at that time found on the individuals, and we had hoped that it was money that had been found at the Democratic National Committee, but unfortunately, it was our money. So we, in effect, just discussed the problem. We had no answers, obviously, at that time.

Mr. DASH. Did you receive a call from Mr. Haldeman?

Mr. MAGRUDER. Yes. The next morning, on Sunday, I received a call from Mr. Haldeman. He asked me what had happened. Again, I told him basically——

Mr. DASH. From where was he calling?

Mr. MAGRUDER. Key Biscayne, Fla.

He just asked me the basic background of the break-in and what had happened. I just told him what had happened. He indicated that I should get back to Washington immediately, since no one in any position of authority was at the committee, and to talk with Mr. Dean and Mr. Strachan and Mr. Sloan and others on Monday to try to find out what actually had happened and whose money it was and so on.

Mr. DASH. Now, you did return to Washington?

Mr. MAGRUDER. Yes, I did.

Mr. DASH. And would you tell us briefly, but as specifically as you can, what you did as soon as you returned to Washington and who you met with?

Mr. MAGRUDER. Well, on Monday, I met with Mr. Dean, Mr. Strachan, Mr. Sloan, Mr. Liddy. Mr. Liddy and I did not really have too much to say to each other. He said he had goofed, and I accepted that on face value. There really was not much to discuss at that time.

I determined from Mr. Sloan that the money was our money, not someone else's money.

Mr. Dean and I discussed the problem in terms of what we were going to do as to Mr. Strachan and I.

Mr. DASH. Did you have a meeting on that evening, the evening of June 19, when you came back to Washington, in Mr. Mitchell's apartment?

Mr. MAGRUDER. Yes, Mr. Mitchell flew back that Monday with Mr. LaRue and Mr. Mardian. We met in his apartment with Mr. Dean. That would have been Mr. Mitchell, Mr. LaRue, Mr. Dean, Mr. Mardian, and myself; and the general discussion again was, what were we going to do about the problem? It was again, we had very little

Mr. DASH. Now, Mr. Haldeman, when and how did you learn of the break-in on June 17, 1972?

Mr. HALDEMAN. That seems to be the crucial question and I have to give I guess the most incredible possible answer. I don't know, Mr. Dash. I simply don't remember how I learned about it or precisely when or from whom. But let me explain that at that time, that weekend, I was in Key Biscayne. The President was out at Walkers Cay and I was at the Key Biscayne Hotel and I am sure that some time during that weekend somebody told me that the Democratic National Committee had been broken into. I am not sure who or when.

Mr. DASH. Now, what did you do when you learned that, when or whoever told you?

Mr. HALDEMAN. Nothing.

Mr. DASH. Nothing?

Mr. HALDEMAN. No.

Mr. DASH. While you were at Key Biscayne, did you have any information that somebody connected with the Committee To Re-Elect the President was involved?

Mr. HALDEMAN. I think I did and I think that came in a phone conversation with Jeb Magruder on the 18th, on Sunday, which it has always been my impression was placed by him to me, but I understand he says it was placed by me to him and I am not sure which is which. But there was—the point of that phone conversation, the purpose of it was to review a statement that the committee was planning to release, and it was releasing it in conjunction with the earlier publicized, or assumed about to be publicized, fact that Mr. McCord, who did have a connection with the committee, had been one of those arrested at the scene of the break-in.

Mr. DASH. What came through your mind when you learned that Mr. McCord—did you know, by the way, who Mr. McCord was?

Mr. HALDEMAN. I don't believe I did. He probably told me at that time who he was.

Mr. DASH. I take it you did learn that he was the security chief of the Committee To Re-Elect the President.

Mr. HALDEMAN. Yes.

Mr. DASH. Did it occur to you that this might be an embarrassing matter for the campaign?

Mr. HALDEMAN. Yes.

Mr. DASH. When did you get back to Washington after the break-in?

Mr. HALDEMAN. I think on the evening of—on Monday evening, which would be the 19th.

Mr. DASH. Is that when you had a meeting with Mr. Dean? Did Mr. Dean report to you then about what he had learned about the break-in?

Mr. HALDEMAN. I am not—I don't believe so. I am not sure that I had a meeting with Mr. Dean at that point. I believe we probably got back late Monday evening and that I went home.

Mr. DASH. When did you meet with Mr. Dean after you got back?

Mr. HALDEMAN. I think, and I have got sort of a capsule of my record here that is subject to correction by the details, but I think there was a meeting the morning of the 20th, in which I was present with Mr. Mitchell and Mr. Ehrlichman, and that Dean was, Mr. Dean was, in part of that meeting and Attorney General Kleindienst was there part of that meeting.

8. On June 18, 1972 John Ehrlichman spoke by telephone with H. R. Haldeman. They discussed the break-in at the DNC headquarters, the involvement of James McCord, and the fact of Hunt's name being involved.

Page

8.1 John Ehrlichman testimony, 6 SSC 2581..... 130

Senator BAKER. Did you gain additional information from the newspaper accounts?

Mr. EHRLICHMAN. Yes.

Senator BAKER. What information?

Mr. EHRLICHMAN. Well, I learned, for instance, that one of the people apprehended was an employee of the Re-Election Committee and I don't think that Mr. Boggs had told me that the previous evening.

Now, I may have seen it on the news, come to think of it, that night, I may have watched the television news.

Senator BAKER. Did you talk to the President on the 17th?

Mr. EHRLICHMAN. No, I didn't, not that I can recall.

Senator BAKER. Did you talk to Mr. Haldeman on the 17th?

Mr. EHRLICHMAN. I think I talked to him on the following day.

Senator BAKER. Let's limit it to the 17th for the moment.

Mr. EHRLICHMAN. All right.

Senator BAKER. Did you talk to Mr. Dean?

Mr. EHRLICHMAN. No.

Senator BAKER. Mr. Mitchell?

Mr. EHRLICHMAN. I don't believe so. I have heard testimony here that I did. I can't recall a conversation with Mr. Mitchell.

Senator BAKER. Were you concerned about it?

Mr. EHRLICHMAN. Not particularly.

Senator BAKER. All right. Move on, then, to the 18th.

Who did you talk to, who talked to you, what additional information did you receive, and what action did you take? And if you don't mind, Mr. Ehrlichman, as briefly as possible, outline for me the steps that you took, the information you received, the general state of circumstances from your first information on June 17, 1972, for a few days thereafter.

Mr. EHRLICHMAN. The 18th was Sunday. I believe I talked to Mr. Haldeman on the telephone about this. I think that the purpose of our call was really something else, some other business. And we discussed the fact of the break-in, the fact of Hunt's name being involved and McCord being involved, and so forth. He told me something about the statement which the Committee To Re-Elect people were putting out that day or the next day, I forget which. But I do recall we discussed the public statement that was going to be made on it.

On the 19th, which was Monday——

Senator BAKER. Wait a minute; just a second. Still on the 18th in your call to Mr. Haldeman, Mr. Haldeman was in effect the President's Chief of Staff?

Mr. EHRLICHMAN. Yes, sir.

Senator BAKER. Was there any conversation between you and Mr. Haldeman about how unfortunate or incredible or how dangerous this was? Was there anything other than a calm, ordinary exchange of information?

Mr. EHRLICHMAN. No; I think both of us wondered why in the world anybody wanted to break in there. That was the depths of the Democrats' fortunes. I don't think anybody believed that anybody in that particular office knew anything that was worth knowing.

Senator BAKER. Did you ask Mr. Haldeman if he had discussed this with the President?

Mr. EHRLICHMAN. No; I didn't.

9. At noon on June 18, 1972 Gordon Strachan telephoned Haldeman's principal staff assistant, Lawrence Higby. Higby told Strachan that Haldeman had spoken with Jeb Magruder about the break-in and that John Ehrlichman was handling the entire matter.

		Page
9.1	Gordon Strachan testimony, 6 SSC 2457.....	132
9.2	H. R. Haldeman testimony, 8 SSC 3019.....	133

Mr. STRACHAN. No, I did not.

Mr. DASH. Did you later learn from Mr. Magruder anything about this event?

Mr. STRACHAN. Well, I called him that afternoon and then tried to call him again that evening, and did not reach him. Placed a third call on Sunday about noon, Washington time, and asked him if he knew anything about this since I had rather expected a phone call from Mr. Haldeman, and he said "Don't worry about it, I have been on the phone this morning with Bob, and you needn't know anything about it."

Mr. DASH. All right. What did you do after that?

Mr. STRACHAN. I called Mr. Higby, because I didn't really believe that Magruder had talked to Mr. Haldeman, Haldeman was down in Key Biscayne. Mr. Higby told me yes, in fact Magruder had talked with Mr. Haldeman and Mr. Ehrlichman was handling the entire matter.

Mr. DASH. All right. Now, at that point were you concerned about any particular thing?

Mr. STRACHAN. Pardon?

Mr. DASH. At that point having learned that Mr. Haldeman now had spoken to Mr. Magruder and was informed, did a concern come into your mind?

Mr. STRACHAN. Yes, I expected over the entire weekend Mr. Haldeman to call me and ask me what I knew, if I knew anything why I had not reported it to him, the usual very tough questions he would ask.

Mr. DASH. Did you begin at that time to suspect any problem that Mr. Haldeman may have with regard to this?

Mr. STRACHAN. Well, you have to draw one of three conclusions: Either he knew about it ahead of time; either he didn't except me to report to him, or he had received a report and had calmed down.

Mr. DASH. Did you arrive at any one conclusion?

Mr. STRACHAN. It was either one of the latter two, either he knew or he didn't expect me to report to him.

Mr. DASH. What did you do after you learned that he had heard about it, what did you do yourself?

Mr. STRACHAN. I didn't do anything. The White House logs indicate that I was in the White House for a minute Sunday, I don't know what that was for.

The next day, Monday——

Mr. DASH. Monday was June 19, 1972?

Mr. STRACHAN. That is correct.

Mr. DASH. All right.

Mr. STRACHAN. I began going through my files, Mr. Haldeman's files, to see if there were any indications of any information that would be in any way related to this act.

Mr. DASH. Well, did you come to any conclusion as to whether there was anything in the files that would be in any way related?

Mr. STRACHAN. Yes. I pulled out several documents, most particularly the political matters memorandum No. 18.

Mr. DASH. And that was the one that referred to the sophisticated intelligence plan?

Mr. STRACHAN. That is correct.

and your activities as chief of staff did not limit itself to just the administrative functions. As a matter of fact, even in Mr. Ehrlichman's role you would, from time to time, be asked by the President and would make expressions with regard to policy; would you not?

Mr. HALDEMAN. Not to any great extent on policy, Mr. Dash. I would on procedure or the question of whether everything that should be available was available to the President in a policy decision matter, but not an opinion as to whether this was the policy we should pursue or should not pursue.

Mr. DASH. Would you be asked from time to time by the President concerning your views on various policy issues?

Mr. HALDEMAN. I am sure from time to time, but not as a regular process, and I would not want to imply that I was a part of the policy-making process in terms of substance. I was in terms of procedure.

Mr. DASH. You spent quite a bit of time with the President in your working day; did you not?

Mr. HALDEMAN. Yes, I did.

Mr. DASH. As a matter of fact, you traveled with the President, and spent more time with the President than perhaps anyone else other than Mr. Ehrlichman; would that be true?

Mr. HALDEMAN. That is correct.

Mr. DASH. Now, could you tell us what your direct staff did that aided you in carrying out your administrative functions?

Mr. HALDEMAN. My direct personal staff consisted of one or two, depending on the period of time, one or two administrative assistants, and several secretaries, and that was it. The administrative staff in the White House was supervised by the staff secretary, and he had responsibility for the operations of the mechanics of the White House, the support units and that sort of thing. Then as Mr. Butterfield has described to you, as my deputy, he had responsibility for a number of specific areas of White House operations. I don't know if you want me to get into details on that or not.

Mr. DASH. You mentioned Gordon Strachan. What was Gordon Strachan's position with you?

Mr. HALDEMAN. He was a staff assistant to me.

Mr. DASH. When did he become a staff assistant to you?

Mr. HALDEMAN. Probably in 1970.

Mr. DASH. And also what was Mr. Higby's role with you?

Mr. HALDEMAN. He also was staff assistant or administrative assistant.

Mr. DASH. Now, could you distinguish between the two roles, Mr. Strachan's role and Mr. Higby's role?

Mr. HALDEMAN. Yes. Mr. Higby had been in that position with me during the campaign, in fact he had been with me in private business before I joined the campaign, and——

Mr. DASH. Was this the advertising business you testified to?

Mr. HALDEMAN. Yes, sir, yes.

He was my principal assistant, if you want to describe it that way, and was thoroughly familiar with all of the operations of my office, backed me up, handled phone calls and correspondence for me, oversaw the operation of my office, and handled contact for me with a number of the other administrative offices in the White House.

35-780 O - 74 - 10

10. At 7:32 a.m. on June 19, 1972 Attorney General Kleindienst telephoned the Acting Director of the FBI L. Patrick Gray in Palm Springs, California, and stated that Kleindienst wished to be briefed on the investigation of the break-in at the DNC headquarters. Kleindienst told Gray that the President wanted to talk to Kleindienst about it that day or possibly the next day.

Page

10.1 L. Patrick Gray notes of telephone conversation, June 19, 1972 (received from L. Patrick Gray)..... 136

10.1 NOTE: The notes which follow were furnished to the House Judiciary Committee staff by L. Patrick Gray on April 30, 1974. Mr. Gray identified the bracketed portion as referring to a conversation which Mr. Gray had with Attorney General Kleindienst about a conversation that Kleindienst was expecting to have with the President about Watergate. Mr. Gray stated that he told Mr. Kleindienst that W. Mark Felt, Acting Associate Director of the FBI, would be available later that day to brief the Attorney General on the status of the FBI's Watergate investigation.

Certain words and phrases which are difficult to read in Mr. Gray's handwritten notes were clarified by Mr. Gray and are included in the typed copy.

Indistinct document retyped by
House Judiciary Committee staff

NYT
Fri 6/16/72

Frankfort, Ky. June 15

The proposed amendment to the U.S. Const. guaranteeing equal rights to both sexes reached the halfway point in its progress toward ratification today when Ky. became the 19th state to approve it. A total of 38 states must ratify the amendment before it becomes part of the Constitution. Two states have rejected ratification.

Mon
6-19-72

6:36 AM TCT WMF from Palm Springs
FBI Op connected me with WFO; twice.
Finally told him to have WMF call me direct.
He called just shortly after I left to go to Mass -

Mon
6-19-72

7:32 AM TCF RGK
Sometime today or possibly tomorrow RN is going to want to talk to me. Is there anyone there who can come to brief me today this PM? Yes WMF.

Mon
6-19-72

7:35 AM TCT Farris Lucas

10:00 AM.
9:00 AM. Opening Ceremony
9:30 AM AG Younger.
Farris Lucas 9:50AM 10:00 AM LPGIII
Break.

Mon
*6-19-72

8:00 AM TCF WMF
We do not have too much this AM — LPG
I have a Memo. to HRH & to AG. — Why?

Reed's memo

Approx 12:00 AM 6/17/72 5 arrested in ofc.

(Page two of original three)

Had in their possess. burglary tools & eavesdropping eq.

Opened panel
All charged w/ burglary
4 Held in lieu of $50,000 bail
Mc Cord " " 30,000
Dollars on them
Background.
Chk of E. Howard Hunt $6.30.
Hunt employed by CIA to 4/70
We conducted an inves. for W.H. in 1971
for a sensitive post some 9 mo ago
Caddie advised FBI he rec'd a call at 3 AM from a person he refuses to identify

Viol of D C Code

HE MAY BE A CONSULTANT AT W.H.

Interception and Disclosure

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by House Judiciary Committee staff

2511
18USC251

identify Chap 119
Title 18 [unreadable]
[Interception of Communication:]
No. Do not send.

ARE WE IN IT SOLIDLY YES

FBI Inves. of stat. is continuing

What do you think of our conducting a sweep of

Demo Hq for other devices. Not yet; can h d for 24 or 48 hrs but it is a normal investigation technique.

On the front page there this AM.

A Collateral piece on page 7 "Experts Heap Scorn on Bungled Caper at Demo. Nat'l. Hq."

Our Lab says this is sophisticated equipment

Recovered bullet from Wallace; can make no positive ident. on this bullet - probably from

(Page three of original three)

USAgoing to G.J.

Carol just handed

Plarmedon Case.

S. Ct. outlawed wiretap of Domestic Subversives.
(1) Prior jud approval required for type of surveillance
(2) Where Govt illegally eavesdrops, it must turn over Evi to def
(3) Indiv rt. of privacy need no longer yield to Govt's rt. to present itself
(4) In '67 S Ct found E. Electronic Eavesdropping w/o ct per violated 4th A but said permissible in for. threats - RN took position that this was applicable to domestic threats -

Discuss with RGK the cancellation of the Domestic taps & Get his assurance DJ to give FBI written instructions

8 Domestic Taps ?

Gave WMF instructions as to how to handle the addressing of the memo; meet 1st with RGK & brief him on facts; then give him my views re the overall approach to inves. W/G case - no holds barred.
WMF not sure of Exact no.

Chap 119 Tit 18 USC

2511 Interception & Disclosure Prohibited
12 Mfr. Distrib &Possession of these devices "
13 Confiscation -
14 Immunity -
15 Prohibition of Use as Evi
16 Authorization of Use of Wiretap
17 " of Disclose

Indistinct document retyped by House Judiciary Committee staff

18 Procedure
19 Rpts
8:38 AM 20

Not Fri 6/16/72

Frankfort, Ky. June 15

The proposed amendment to the U.S. Const. guaranteeing equal rights to both sexes reached the halfway point in its progress toward ratification today when Ky. became the 19th state to approve it. At least 38 states must ratify the amendment before it becomes part of the Constitution. Two states have rejected ratification.

Mon 6-19-72

6:36AM TCT WMF from Palm Springs.

FBI Op connected me with WFO; Hurst.

Finally told him to have WMF call me direct.

He called just shortly after I left to go to Mass.

Mon 6-19-72

7:32AM TCT RGK

Sometime today or possibly tomorrow RN is going to want to talk to me. Is there anyone there who can come to Cal. since today this PM? Yes WMF.

Mon 6-19-72

7:35AM TCT Fran Lucas

10:00AM.

9:00 AM. Opening Ceremony

9:30 AM RG Young.

Fran Lucas 9:50AM 10:00 AM LPG III

Break.

Mon 6-19-72

8:00AM TCT WMF

We do not have too much this AM

I have a Memo. to HRH + to RG. (Today?)

Ehrlichman's memo

Approx 12:00AM 6/17/72 5 awarded in Sp.

Had in their possess. burglary tools + housebreaking eq.

Vio of D.C. Code

Opening ground:

All charged w/ burglary

4 Held in bail of $50,000 bail

record " " 30,000

dollars on them

Interception and Disclosure

Background.

Chkg E. Howard Hunt $6 30.

HE MAY BE A CONSULTANT AT W.H.

Hunt employed by CIA to 4/70

We conducted an invest. for W.H. in 1971

for a sensitive post some 9 mo ago

Caddie advised FBI he rec'd a call at 3AM from a person he refuses to identify

Chg 18 USC 2511

Title 18 Were Interception + Disclosure

ARE WE IN IT SOLIDLY YES

FBI Invest. of Interception of Communications

stat. is continuing No. do not recall.

What do you think of our conducting a sweep of Dem Hq for other devices. Not yet; can't do for 24 or 48 hrs but it is a normal investigative technique.

On the front page there was AH.

A collateral piece on page 7 "Experts Heap Scorn on Bungled Caper at Dem. Natl. Hq."

Our bugs are sophisticated equipment

Record built from Wallace; can make no positive ident. on the build - probably from

USAttorney to G.J.

Carol got handed

Clemedon Case.

S. Ct. outlawed warrantless wiretaps of domestic subversives

(1) Prior judicial approval required for type of surveillance

(2) Where govt illegally eavesdrops, it must turn over evi to def

(3) Draw N.G. privacy need no longer yield to govt's N. to preserve itself.

(4) In '67 SCt found Katz [illegible] w/o Court violated 4th A but said permissible in for. threats - RN took position that this was applicable to domestic threats.

Discuss with RGK the cancellation of the Domestic taps & let him announce

& Dissociate FBI written instructions

(Domestic Taps ?)

Gave WMF instructions as to how to handle the addressing of the memo; meet 1st with RGK + briefing on facts then give him my views re the overall approach to sixes W/G case - no fields cancel.

WMF not sure of exact no.

Chap 119 T 18 USC

2511. Interception + Disclosure prohibited

12. Manufacture [illegible] of eavesdropping devices "

13 Confiscation -

14 Immunity -

15 Prohibition of Use as Evi

16 Authorization of Use of wiretaps

17 " & Disclose

18 Procedure

19 Reports

20

S. 38 Atty

11. In the morning or early afternoon of June 19, 1972 Ehrlichman told John Dean to look into the question of White House involvement in the break-in at the DNC and to determine Howard Hunt's White House employment status. Dean has testified that he then spoke to Charles Colson regarding Colson's knowledge of the break-in and Hunt's status and that Colson denied knowledge of the event, but expressed concern over the contents of Hunt's safe. Dean has also testified that he spoke to Gordon Liddy, who advised of his and Magruder's involvement in the planning and execution of the break-in. Thereafter Ehrlichman received a report from Dean that Dean had spoken to Liddy and to law enforcement officials, that law enforcement officials were aware that the matter went beyond the five persons who were apprehended, that Liddy was involved, and that there was a further direct involvement of the CRP.

		Page
11.1	John Dean testimony, 3 SSC 932-34	144
11.2	John Dean testimony, Watergate Grand Jury, November 19, 1973, 48-50 (received from Watergate Grand Jury)	147
11.3	John Ehrlichman testimony, 7 SSC 2821-22	150
11.4	John Ehrlichman testimony, 6 SSC 2582-83	152

I returned from this 4-day trip to the Far East on the morning of June 18. When I landed in San Francisco, after 20 hours of flying, I called my assistant, Fred Fielding, to check in and tell him that I was going to spend an additional day in San Francisco to get some sleep before I returned to Washington and, accordingly, I would not be in the office until Tuesday. It was at this time that I first learned from Mr. Fielding of the break-in at the DNC headquarters. Mr. Fielding told me that he thought I should return home immediately as there might be a problem and that he would fill me in when I got home. I recall that at first I resisted, but Mr. Fielding, who was not explicit at that time, told me I should come back so that he could fill me in.

Accordingly, I flew back to Washington and arrived on Sunday evening. I had a brief conversation with Mr. Fielding and he informed me that he had learned from Jack Caulfield that Mr. McCord from the reelection committee was among those arrested in the Democratic National Committee headquarters on Saturday and also that one of the Cubans arrested had a check that was made out by Howard Hunt to some country club. I recall that my immediate reaction was that Chuck Colson was probably involved. I was truly exhausted at this point so I told Mr. Fielding that I couldn't do anything at that time and I went to bed without doing a thing.

On Monday morning, June 19, I arrived at my office about 9:15, my normal arrival time at the office. While reading the news accounts of the incident, I received a call from Jack Caulfield who repeated what Mr. Fielding had told me on Sunday evening. Mr. Caulfield informed me that he had received the information from Mr. Boggs of the Secret Service. I next received a call from Mr. Magruder and, as best I can recall, Magruder said something to the effect that this might create some problems and I should look into it. He also stated that this was all Liddy's fault and he volunteered a few harsh epithets regarding Liddy. I also recall Magruder mentioning something about how the committee was going to handle the matter publicly but I cannot remember specifically what he stated regarding this. I told Magruder that I had just arrived back in the country and did not know any of the facts surrounding the incident, but I would look into it.

I next received a call from Ehrlichman, who instructed me to find out what I could and report back to him. I advised Ehrlichman of my call from Magruder and told him I probably should talk to Liddy—he agreed. I recall that Ehrlichman told me to find out what Colson's involvement was in the matter and he also suggested I speak with Mr. Kleindienst to see what the Justice Department knew about it. I told him I would report back to him after I talked with Liddy. I next received a call from Gordon Strachan who said he wanted to meet with me. I informed him that I would not be able to meet with him until early in the afternoon. He said he would drop by my office after lunch.

I next talked with Chuck Colson on the phone. I asked him what he knew about the incident and he vehemently protested that he knew nothing and had no involvement in the matter whatsoever. Colson advised me that Ehrlichman had spoken with him earlier regarding Mr. Hunt, earlier during that weekend, and Colson said that we should get together with Ehrlichman as soon as possible. I recall asking Colson if Hunt still worked for him and again he became very de-

fensive and stated that he was merely on his payroll as a consultant because Ehrlichman had so requested. He asked me to determine if Hunt was still on his payroll and I said I would check. Colson also expressed concern over the contents of Hunt's safe. Several weeks later—probably 4 or 5—I learned from Paul O'Brien, who was representing the reelection committee, that he had learned from Mr. Hunt's attorney, Mr. William Bittman, that Hunt and Colson spoke on the telephone over the weekend of June 17–18, and that Hunt had told Colson to get the materials out of his—Hunt's—office safe.

Mr. Hugh Sloan called me to tell me he was worried. At that time I knew of no reason why Mr. Sloan should be worried so I told him not to worry. He told me that he would like to meet with me and I told him that I was trying to find out what had happened and requested we meet in a few days. I do not recall the precise date we did meet.

I next contacted Liddy and asked him to meet with me. He said he would come to my office. As he came into the office I was on my way out. I suggested we take a walk. It was shortly before noon and we walked down 17th Street toward the Corcoran Gallery.

I will try to reconstruct the conversation to the best of my memory. While I cannot recall every detail, I do indeed recall the major items we discussed.

Mr. Liddy told me that the men who had been arrested in the DNC were his men and he expressed concern about them. I asked him why he had men in the DNC and he told me that Magruder had pushed him into doing it. He told me that he had not wanted to do it, but Magruder had complained about the fact that they were not getting good information from a bug they had placed in the DNC sometime earlier. He then explained something about the steel structure of the Watergate Office Building that was inhibiting transmission of the bug and that they had gone into the building to correct this problem. He said that he had reported to Magruder that during the earlier entry of the DNC offices they had seen documents—which I believe he told me were either Government documents or classified documents—and Magruder had told him to make copies of those documents.

Liddy was very apologetic for the fact that they had been caught and that Mr. McCord was involved. He told me that he had used Mr. McCord only because Magruder had cut his budget so badly. I asked him why one of the men had a check from Mr. Howard Hunt and he told me that these men were friends of Hunt and Hunt had put him in touch with them. I do not recall Liddy discussing any further involvement of Hunt, other than Hunt's putting him in touch with the Cubans. I asked him if anyone from the White House was involved and he told me no.

As the conversation ended he again expressed his apology and his concern about the men in jail. I told him I couldn't help and he said he understood. He also told me that he was a soldier and would never talk. He said if anyone wished to shoot him on the street, he was ready. As we parted I said I would be unable to discuss this with him further. He said he understood and I returned to my office.

After returning to my office I arranged a meeting with Ehrlichman in his office for mid-afternoon. Gordon Strachan came to my office shortly after I had met with Liddy. Strachan told me that he had been

instructed by Haldeman to go through all of Mr. Haldeman's files over the weekend and remove and destroy damaging materials. He told me that this material included such matters as memorandums from the reelection committee, documents relating to wiretap information from the DNC, notes of meetings with Haldeman, and a document which reflected that Haldeman had instructed Magruder to transfer his intelligence gathering from Senator Muskie to Senator McGovern. Strachan told me his files were completely clean.

I spoke with Mr. Kleindienst and he told me that both the FBI and the D.C. Metropolitan Police were investigating, and he assumed that the FBI would take full jurisdiction of the case shortly. He also alluded to his encounter with Liddy at Burning Tree Country Club, but did not explain this in full until I later met with him. I do not have a record of when I met with Mr. Kleindienst, but it was either on Monday, the 19th, or the next day. I will describe that meeting shortly.

I met with Ehrlichman in the mid-afternoon and reported in full my conversation with Liddy. I also told Ehrlichman about the earlier meetings I had attended in Mitchell's office in late January and early February and my subsequent conversation with Haldeman. He told me he wanted to meet later with Colson and told me to attend. Ehrlichman also requested that I keep him advised and find out from the Justice Department on what was going on. I did not mention my conversation with Strachan because I assumed that Ehrlichman was aware of this from Haldeman himself.

Later that afternoon I attended a second meeting in Ehrlichman's office with Colson. I recall Ehrlichman asking where Hunt was. I said I had no idea and Colson made a similar statement. At that point, before the meeting had started, Ehrlichman instructed me to call Liddy to have him tell Hunt to get out of the country. I did this, without even thinking. Shortly after I made the call, however, I realized that no one in the White House should give such an instruction and raised the matter. A brief discussion ensued between Ehrlichman and myself. As I recall, Ehrlichman said that he was not a fugitive from justice, so why not. I said that I did not think it was very wise. At this point, Colson chimed in that he also thought it unwise and Ehrlichman agreed. I immediately called Liddy again to retract the request but he informed me that he had already passed the message and it might be too late to retract.

Following this brief telephone skirmish regarding Hunt's travel plans, the meeting turned to Hunt's status at the White House. I had learned from Fred Fielding, who I had asked to check on it, that Hunt had not drawn a check from his White House consultantship since late March of 1972. But as far as I knew, the records indicated that Hunt was still a White House consultant to Colson. After discussions of this by Colson, who at this point was disowning Hunt as a member of his staff, Ehrlichman called Mr. Bruce Kehrli and requested that he bring Hunt's personnel records up to Ehrlichman's office. Before Kehrli arrived, Colson raised the matter of Hunt's safe. Colson, without getting specific, said it was imperative that someone get the contents of Hunt's safe. Colson suggested, and Ehrlichman concurred, that I take custody of the contents of the safe.

DV

Q And what did you tell Mr. Ehrlichman?

A Well, I reported to Mr. Ehrlichman everything that Liddy had told me and I recall recounting back to him, trying to put all the pieces I had available at that point together, by telling him about the meetings which had occurred in the Attorney General's Office in January and February of '72.

Q Those were the meetings at which Liddy presented his intelligence programs?

A That's correct.

Q Did Mr. Ehrlichman again mention that he was going to meet with Mr. Colson later that afternoon?

A He did. He mentioned that Mr. Colson was seeking a meeting and that he wanted me to be present in that meeting when it took place.

Q Did Mr. Ehrlichman also mention to you, on June 19th, at some time, that you ought to contact the Justice Department to find out what was going on in the investigation?

A Yes, he did.

Q And what did you do about that, if anything?

A I called Mr. Kleindienst and had a conversation with Mr. Kleindienst and I later saw Mr. Kleindienst.

Q Now, during these first few conversations with Mr. Ehrlichman, after the Watergate break-in, did he instruct you to conduct an investigation and to determine whether anyone in the White House was responsible or had knowledge of the

DV

Watergate break-in? Give you a specific instruction to conduct a Watergate investigation?

A I wouldn't say it was an instruction to conduct an investigation. He just told me to keep my eyes and ears open and learn what I could.

Q Did Mr. Ehrlichman, or anyone else in the White House, ever give you a specific instruction to conduct an investigation into this matter, telling you that it was your responsibility to make a determination of the facts and determine whether anyone in the White House was involved or responsible?

A Well, I wouldn't say that it was really until late August, when it was reported that I had conducted such an investigation, that there ever became any semblence of such an investigation and, after that, when it had been put on the public record that I had conducted an investigation, I began to pretend like I had conducted an investigation.

But I am unaware of ever being instructed to do an investigation, because I would have proceeded much differently if I was investigating. I was merely sort of catch as catch can.

Q Was this -- did it naturally fall to you, as counsel to the President, as a person who had had formal liaison with the Justice Department, and the informal contacts there, to be the person at the White House most aware of what was going on

DV

in the Watergate investigation?

A Well, with things like this, what would generally happen is that after Mr. Haldeman and Mr. Ehrlichman would either lose interest or get consumed in something else, it would fall to me to be the man to follow up and continue the liaison and keep them abreast of what I was learning.

Q Are you speaking now about legal matters and Justice Department matters, generally?

A No, I can't say that generally, no, because, for example, antitrust areas were something I very seldom got into.

Q I mean you are not speaking simply of Watergate?

A No, I'm not. I'm thinking of other instances where things were rather active for a while and they die off. I'm thinking of the Lithuanian defecter problem, where everyone had their hands in it for a while and then, when it fell to the dailyjob of keeping abreast of what was happening, when it wasn't in the headlines, that was my job.

I'm thinking of the Calley case, where there was a great flurry of activity, and when it got down to, you know, following daily what indeed was happening to Mr. Calley, that was my office. That's the way things generally happened there

Q Now, on June 19th, did you also have a meeting with Gordon Strachan?

A Yes, I did.

35-780 O - 74 - 11

for the action of the President of the United States, that such plans are carefully researched and evaluated. Would that be a fair assumption?

Senator BAKER. Mr. Chairman, that is not the way we are going to conserve time. I think what we are going through now is evidence that this committee is in fact tired. But that is—the question of whether it's evidence or not is something that we will pass on, and I frankly am not interested in what this witness thinks about whether it is or is not evidence. I am interested in what he knows or doesn't know. I respectfully recommend that we move on to hard evidence.

Senator ERVIN. The witness has stated that he knew nothing about these documents, and the documents are in evidence and the committee can draw such conclusions from the documents. I don't believe that the witness ought to be compelled to testify about matters that he said he knew nothing about.

Mr. DASH. But you did testify, Mr. Ehrlichman, that in March of this year you spoke to the President and discussed this particular entry and he said that he knew that it was legal and justified for national security. Did he mention to you that he had received any kind of a contrary advice at any other time?

Mr. EHRLICHMAN. Well now, that question makes an assumption not in evidence, Mr. Dash, that the President said he knew it was legal. I don't believe I have ever testified to that. Maybe some other witness has, but I don't know where you got that idea. I could not answer the question with that assumption in it.

Mr. DASH. I thought that was your testimony. I asked you the question earlier whether or not in March you talked to the President and the President said that he believed it was legal and justified for national security and I thought you answered in the affirmative.

Mr. EHRLICHMAN. Well, I certainly would not want to give you the impression that the President had given me a legal opinion on this at that time. But what the President said was that he felt that it was important, and it was necessary, that in the context of the massive thefts, the turnover to the Russian Embassy and all the context of that operation that he certainly could not criticize the men who had undertaken this in good faith believing that they were responding to the urgency of the circumstances.

Mr. DASH. All right. The testimony you do leave with the committee is that your own personal evaluation as to its legality was a recent one after advice of counsel?

Mr. EHRLICHMAN. Well, I certainly would not want to leave that impression either, Mr. Dash, and I would simply stand on my actual answers.

Mr. DASH. Well, the record will so show.

Now, you testified that you met and in effect your log shows that you met twice with Mr. Dean on June 19, 1972, which was 2 days after the break-in at the Watergate, once at noon, alone, and again at 4 p.m. with Mr. Clawson, Mr. Colson, and Mr. Kehrli. Now at the noon meeting with Mr. Dean, can you give us your recollection as to what that meeting was about and whether you were discussing the Watergate break-in?

Mr. EHRLICHMAN. Yes; I believe we were, and I believe that it was basically to determine between us the inquiries which I felt he ought to make in order to try to determine what had taken place.

Mr. DASH. Did he not at that time report to you that he had spoken to Mr. Liddy?

Mr. EHRLICHMAN. No, I don't believe so.

Mr. DASH. He made no report at that time to you as to any of the investigations he had made during the day of the 19th?

Mr. EHRLICHMAN. I have the impression that Mr. Dean hadn't been at work very long at that time, and that he was just getting started.

Mr. DASH. All right.

Now, at 4 p.m., what was the purpose of the meeting with Mr. Dean, Mr. Clawson, Mr. Colson, and Mr. Kehrli?

Mr. EHRLICHMAN. The principal purpose, as I recall, was to be in a position to answer inquiries which, I guess, Mr. Clawson was getting or the press people were getting, about Hunt's White House status, of whether he was still an employee of the White House, if not when he had terminated and under what circumstances, and so forth.

Mr. DASH. And isn't that when Mr. Kehrli was brought up to check the record? Would Mr. Kehrli have the record of that?

Mr. EHRLICHMAN. Mr. Kehrli was the staff secretary and would have to be involved in any discussion of that kind. There was another subject or two discussed at the time but as I recall, that was the precipitating question.

Mr. DASH. Well, aside from Mr. Hunt on the payroll, wasn't the focus at that meeting on the question of Hunt himself? Hunt's status at the White House and also the question that Mr. Hunt had a safe in the White House and that the safe ought to be opened?

Wasn't that part of the discussion?

Mr. EHRLICHMAN. Yes, it was, as I previously testified.

Mr. DASH. Yes.

And actually that safe was opened at that time on the evening of the 19th?

Mr. EHRLICHMAN. I don't know. I think it must have been either that evening or the next morning.

Mr. DASH. Now, what was the concern and who brought up the concern of what the contents of Mr. Hunt's safe would show?

Mr. EHRLICHMAN. I don't recall, Mr. Dash. Somebody at the meeting.

I think the way it came up was not so much a personal concern as it was an inquiry by the investigation—either the Metropolitan Police and/or the FBI, as to whether Hunt had any belongings in the White House.

Mr. DASH. Now, on June 20, 1972, you met at 9 o'clock with Mr. Haldeman and Mr. Mitchell joined by Mr. Dean at 9:45, joined by Attorney General Kleindienst at 9:55, and then at 10:30 you had a meeting with the President.

Was that also a followup to find out what was going on in terms of Watergate?

Mr. EHRLICHMAN. I think this was the process of trying to get everybody together who might know anything, to try and get a picture of what the investigation was going to be, whether there might be other people involved, just what the—to try and get the campaign director and the head of the Department of Justice and everybody together in one place to ask questions.

Senator BAKER. Did you ask him if it had been brought to his attention of—if the President knew about it?

Mr. EHRLICHMAN. No; I am quite sure I didn't. That is not something that I would ordinarily put in that way to Mr. Haldeman.

Senator BAKER. Well, did you put it in any way to Mr. Haldeman?

Mr. EHRLICHMAN. No; I didn't believe so.

My assumption is that news of that kind gets to the President forthwith.

Senator BAKER. Well, did you ask what the President thought about it if you assumed that?

Mr. EHRLICHMAN. No, no.

Senator BAKER. All right, sir; go ahead.

Mr. EHRLICHMAN. I don't think I did anything else with relation to that subject matter on that Sunday. At least, I can't recall anything.

On Monday, I had a meeting with John Dean in midday, and we discussed this, really, in terms of two aspects. One was the White House involvement question, and I asked him to see if he could get that solved in short order—that is, was Hunt a White House employee or not, what was his status, and so forth? Because that was still lingering as an open question.

Second, it was obvious that this was going to be a campaign issue and I was concerned about knowing everything that I could know so that, when Ron Ziegler and the Presidential party got back to town, we would be in shape to sit down and talk about its implications in terms of its being a political issue.

Senator BAKER. Mr. Ehrlichman, it occurs to me, and I may be entirely wrong, but it occurs to me that if someone on my staff, even remotely on my staff, were charged with breaking and entering into the Democratic National Committee headquarters or someone was even associated with it in a newspaper column, that I would be determined to find out if that happened.

Now, was there this air of urgency in the White House on your part or Haldeman's part or Dean's part? Is it not coming through that way? It sounds like a routine staff operation. But this wasn't a routine staff operation.

Mr. EHRLICHMAN. Point 1, he wasn't on my staff. But that is beside the point.

I think there was a sense of the political implications of this thing. It was a dumb, shocking, unredeemable kind of thing for people connected with the Committee To Re-Elect to have done to the Democrats. There isn't any way of glossing it.

And certainly, the Democrats were going to exploit this if they possibly could. The fact that there might be a White House connection was really the central problem in this as far as I was concerned.

Senator BAKER. When did you first learn that this was orchestrated by people who were connected with the CRP?

Mr. EHRLICHMAN. Well, McCord was in it right from the first minute, and I am sure I learned of that connection on the evening news or some way, so that I knew right from the first day that there was a, literally a, CRP employee involved in this thing.

Senator BAKER. When did you find out that it was more than just a CRP employee?

Mr. EHRLICHMAN. I do not think that I—well, and, of course, Boggs' call said Hunt—Hunt, with a White House designation on the slip or the card or whatever it was. So there was that warning light on right from that moment.

I do not think I knew about Liddy and his involvement until after Dean reported back late on the 19th or early on the 20th, something like that time.

Senator BAKER. What did Mr. Dean report to you?

Mr. EHRLICHMAN. He reported to me that he had—I should go back to what I asked him to do and I guess I pretty well finished with that. I expressed my concern on these two fronts. And when he came back, he said he had talked to Liddy and that he had also talked to the people at the Justice Department or the police department, or somewhere, and had a feel for this thing. And he said, the Justice Department or the law enforcement people, anyway, were aware that this matter went beyond just the five fellows who were caught and that Liddy was involved and it was just a matter of time before he would be picked up, and that there was a further direct involvement of the CRP in this.

Senator BAKER. All right. That was on what, the 19th of June?

Mr. EHRLICHMAN. I believe it was either the close of business on the 19th or the next day.

Senator BAKER. Stop at that point, Mr. Ehrlichman. Let us explore, as the saying goes in this committee, that point in time. Let us see what you did with that information.

At that point, John Dean, who was counsel to the President, indicated to you that Liddy was involved, that others at the CRP were involved, and it would be just a matter of time before others were picked up and implicated, and broadly implied, based on your testimony just now, that the CRP was deeply involved in this situation.

What did you do with that information? Did you pick up the telephone and call the President, did you call Haldeman? What did you do with it?

Mr. EHRLICHMAN. I think by that time the President and the traveling party were on their way back. I believe that this meeting that was held on Tuesday morning was held at my instance and it involved Mr. Mitchell, the Attorney General, Mr. Haldeman, and me, and John Dean. And this was for the purpose of gathering as much information as possible at the top levels, and seeing what ought to proceed from that, what next step ought to be taken from that point forward.

Senator BAKER. Take the one part of my question that I put in several parts. Did any of you call the President or convey to the President the information that Liddy and others involved with the CRP were going to be involved and identified with the break-in to the Democratic national headquarters?

Mr. EHRLICHMAN. I did not, Senator. I am not sure whether this was imparted to the President by anybody else.

Senator BAKER. Well, Mr. Ehrlichman, to pursue that point just one step further, did you then know or have you since learned that as of June 19, 1972, someone did impart that information to the President—that is, that Liddy, McCord, Hunt, and others at the CRP were involved in the break-in?

Mr. EHRLICHMAN. I do not know that of my own knowledge.

12. On June 19, 1972 the President telephoned Charles Colson from Florida and spoke with him for approximately one hour ending shortly before noon. The break-in at the DNC headquarters was discussed.

Page

12.1 Meetings and conversations between the President and Charles Colson, June 19, 1972 (received from White House)..... 156

12.2 Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 6-8, (received from SSC)..... 157

MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN THE PRESIDENT AND CHARLES W. COLSON

June 16, 1972 - April 30, 1973

101528

June 16, 1972			
AM	8:37	10:17	Cabinet Meeting in the Cabinet Room. Mr. Colson attended.
June 18, 1972			
PM	3:00	3:31	President placed a long distance call to Mr. Colson (Key Biscayne)
	6:39	6:48	President placed a long distance call to Mr. Colson (Key Biscayne)
June 19, 1972			
AM	10:49	11:48	President placed a long distance call to Mr. Colson (Key Biscayne)
June 20, 1972			
PM	2:16	2:17	President placed local call to Mr. Colson
	2:20	3:30	President met with Mr. Colson in the President's EOB office
	8:04	8:21	President placed local call to Mr. Colson
	11:33	12:05 AM	President placed local call to Mr. Colson

FRRR: White House
3/9/74

Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

which I believe took place in my office -- John Dean told me that Mr. Hunt had "been ordered out of the country" or words to that effect. I exploded. I said something to the effect that "that is the dumbest thing I have ever heard; that could make the White House a party to a fugitive from justice charge." Mr. Dean then went to a telephone. I do not know who he called nor do I know who issued the original instructions to which Mr. Dean referred. Mr. Dean did tell me later that it was my reaction that caused him to countermand the original order.

5. The President called me from Florida the morning of June 19. As I recall, he asked me what I knew about what was going on. In this and in subsequent conversations, he was quite obviously angered and incredulous that anyone even remotely involved with the Presidential campaign apparatus could have

engaged in such conduct. As I recall my initial conversations with the President, I merely explained that I had no idea what had happened. I do recall several discussions with the President during that and ensuing weeks in which he expressed great annoyance at the way in which the Committee for the Re-election was being managed. He complained bitterly that he had himself not been able to devote any time to campaign matters or organization and that he believed it was overstaffed and overpaid. He expressed his long-held belief that it was inadvisable to staff a campaign organization with people primarily concerned with their salaries; he said people should participate in a campaign because they believe in their cause. He said that the Committee had too much money to spend, that the Watergate was an example of the kind of misguided enterprise that results from too much money. He told me on more than one occasion that he had ordered Mr. Haldeman

to have the staff at the Committee reduced, to insure that no one was being paid more than they had made in prior employment and to get the management of the campaign and the Committee under tight control.

On Tuesday, June 20, 1972, the Washington Star carried a banner headline, "Colson Aide-Barker Tied." It was immediately obvious to me that the press would attempt to tie the Watergate into the White House on the basis of Hunt's former association with me. Accordingly, I immediately dictated a memo for the file detailing all contacts of any kind that I could recall having had with Hunt during the year 1972. A copy of that memo was provided to your staff during our meeting on May 3.

Although I knew that I had had no involvement in the Watergate, I believed that it might become important to have an accurate record.

One of the things mentioned in the memorandum was a

13. On June 19, 1972 Howard Hunt went to the Executive Office Building and reviewed the contents of his safe. He determined that the contents included cables Hunt had fabricated indicating a relationship between the Kennedy Administration and the assassination of Vietnamese President Diem, materials relating to Gemstone, James McCord's electronic equipment, and other material. Hunt thereupon informed Charles Colson's secretary, Joan Hall, that Hunt's safe contained sensitive materials.

Page

13.1 E. Howard Hunt testimony, 9 SSC 3672, 3689..... 162

At this early time of your employment at the White House, Mr. Hunt, did you have access to State Department cables covering the period of the Diem assassination?

Mr. HUNT. I did.

Mr. DASH. Why did you have access to them?

Mr. HUNT. Because I had requested such access and it had been granted me.

Mr. DASH. Now, in the review of these cables, did you notice any irregularity of sequence?

Mr. HUNT. I did.

Mr. DASH. In what period did the gap in sequence occur?

Mr. HUNT. The period immediately leading up to the assassination of the Premier of South Vietnam.

Mr. DASH. Did you show the cables to Mr. Colson and offer an interpretation of them?

Mr. HUNT. I showed him copies of those chronological cables, yes, sir.

Mr. DASH. And what interpretation, if any, did you give him concerning the cables?

Mr. HUNT. I told him that the construction I placed upon the absence of certain cables was that they had been abstracted from the files maintained by the Department of State in chronological fashion and that while there was every reason to believe, on the basis of an accumulated evidence of the cable documentation, that the Kennedy administration was implicitly, if not explicitly, responsible for the assassination of Diem and his brother-in-law, that there was no hard evidence such as a cable emanating from the White House or a reply coming from Saigon, the Saigon Embassy.

Mr. DASH. What was Mr. Colson's reaction to your statement and the showing of the cable to him? Did he agree that the cables were sufficient evidence to show any relationship between the Kennedy administration and the assassination of Diem?

Mr. HUNT. He did.

Mr. DASH. Did he ask you to do anything?

Mr. HUNT. He suggested that I might be able to improve upon the record. To create, to fabricate cables that could substitute for the missing chronological cables.

Mr. DASH. Did you in fact fabricate cables for the purpose of indicating the relationship of the Kennedy administration and the assassination of Diem?

Mr. HUNT. I did.

Mr. DASH. Did you show these fabricated cables to Mr. Colson?

Mr. HUNT. I did.

Mr. DASH. What was his response to the fabricated cables?

Mr. HUNT. He indicated to me that he would be probably getting in touch with a member of the media, of the press, to whom he would show the cables.

Mr. DASH. And were you in fact put in touch with a member of the media?

Mr. HUNT. I was.

Mr. DASH. Who was that?

Mr. HUNT. Mr. William Lambert of Life magazine.

Mr. DASH. Did you take any money out of the safe?

Mr. HUNT. Yes, sir, I did.

Mr. DASH. How much?

Mr. HUNT. I took out $10,000.

Mr. DASH. Where did you get that money?

Mr. HUNT. That was contingency money that had been provided me by Mr. Liddy.

Mr. DASH. Contingency just in case there was this kind of trouble?

Mr. HUNT. Yes, sir; in case there was a mishap.

Mr. DASH. What did you do with that money?

Mr. HUNT. I took it during the course of the early morning to Mr. Caddy's apartment and gave it to him on behalf of the five men who had been arrested.

Mr. DASH. Did you make an analysis or review of the contents of your safe at that time or a later time?

Mr. HUNT. No, sir; not at that time.

Mr. DASH. When did you, if you did?

Mr. HUNT. Excuse me.

Mr. DASH. Mr. Hunt, this might help you. Do you recall returning to your office at the EOB and looking through the contents of your safe?

Mr. HUNT. Yes, sir.

Mr. DASH. And do you recall that that was on or about June 19, 1972?

Mr. HUNT. Yes, sir.

Mr. DASH. Just very briefly, can you describe the contents of your safe at that time, what you had in there?

Mr. HUNT. Well, there was a great deal of material, Mr. Dash.

Mr. DASH. Just by category.

Mr. HUNT. There were the fabricated Vietnamese cables that I had shown to Mr. Colson, Mr. Conein, and Mr. Lambert. There was material relating to Gemstone; there were transcripts of my conversations with Mr. Clifton De Motte, for example. There was a very substantial amount of material, part of which was shown me at the time of discovery by the U.S. attorney—perhaps I am not being responsive.

Mr. DASH. Yes, you are being responsive. Did it also include the briefcase which included Mr. McCord's electronic equipment?

Mr. HUNT. Oh, yes; that was there.

Mr. DASH. Now, did you inform anyone on that day of the contents of your safe?

Mr. HUNT. I did.

Mr. DASH. Who was that?

Mr. HUNT. Mr. Colson's secretary.

Mr. DASH. What is her name?

Mr. HUNT. Her name was Mrs. Joan Hall.

Mr. DASH. Did you characterize or say anything about the contents?

Mr. HUNT. Yes, sir; I did.

Mr. DASH. What did you say?

Mr. HUNT. Before I left the White House for the last time, I stopped by Mr. Colson's office, not to see him but simply to inform Mrs. Hall, whom I knew held the combination to my safe, that it contained sensitive material. I simply said to her, "I just want you to know that that safe is loaded."

14. During the afternoon of June 19, 1972 John Ehrlichman, Charles Colson, John Dean, Bruce A. Kehrli, Staff Assistant to H. R. Haldeman, and Ken Clawson, White House Deputy Director of Communications, met in Ehrlichman's office and discussed Howard Hunt's White House employment status. Colson stated that Hunt should have been terminated as a White House consultant as of March 31, 1972. Kehrli was asked to and did bring Hunt's employment records to Ehrlichman's office. These records did not indicate that Hunt's consultant status had been terminated. By memorandum dated June 19, 1972 Colson transmitted to Dean documents relating to Hunt's status.

(By memorandum dated March 27, 1972 to Charles Colson, Hunt had requested assistance in changing the annuity benefit option he had selected upon retirement from the CIA. By memorandum dated March 30, 1972 to Kehrli, Richard Howard, Staff Assistant to Charles Colson, had inquired respecting Hunt's situation. At the top of the original of the Howard memorandum, there is a handwritten note: "Noble - Please let me know on this w/o giving out any info. on the name of the fellow we're trying to help. B." At the bottom of that memorandum there is a handwritten note "OK - Drop as of April 1, 1972 BAK." On May 5, 1972 Hunt had written a letter on White House stationery to CIA General Counsel Lawrence Houston, renewing his request respecting his benefit option and stating that he had discussed the matter with the White House legal staff.)

Page

14.1 John Ehrlichman log, June 19, 1972 (received from SSC).....167

35-780 O - 74 - 12

Pages

14.2 John Dean testimony, 3 SSC 934-35.....168

14.3 Memorandum from Charles Colson to John Dean, June 19, 1972, with attachments: memorandum from Richard Howard to Bruce Kehrli, March 30, 1972; memorandum from Joan Hall to Charles Colson, June 19, 1972. SSC Exhibit No. 34-15, 3 SSC 1157-59.....170

14.4 John Ehrlichman testimony, 6 SSC 2612.....173

14.5 Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 2-4 (received from SSC).....174

14.6 Memorandum from E. Howard Hunt to Charles Colson March 27, 1972, (received from SSC).....178

14.7 List of Presidential assistants and their staffs (received from White House).....180

14.8 Copy of memorandum from Richard Howard to Bruce Kehrli, March 30, 1972, with Cox-Buzhardt correspondence regarding the memorandum (received from Watergate Special Prosecution Force).....181

14.9 Original of memorandum from Richard Howard to Bruce Kehrli, March 30, 1972, with handwritten notations (received from White House).....184

14.10 Letter from E. Howard Hunt to Lawrence Houston, May 5, 1972 (received from CIA).....185

14.11 Jeb Magruder testimony, 2 SSC 791-93.....186

14.1 JOHN EHRLICHMAN LOG, JUNE 19, 1972

FRIDAY, JUNE 16, 1972

8:00	HRH office
8:30	Cabinet meeting
10:20	President, Secretaries Richardson, Hodgson (HR 1)
12:25	Dr. Ed David
1:00	President
2:20	Tennis with Cole, Hullin, Harper
4:00	Roosevelt Room - p.r. group
7:00	Black tie dinner with Mrs. Shouse followed by
8:30	Wolf Trap opening

MONDAY, JUNE 19, 1972

8:15	Roosevelt Room
10:30	Dave Young, Walt Minnich
12:00	John Dean
12:45	Lunch in Mess with Dr. William Walsh (HOPE)
1:45	AG Kleindienst
2:10	Ambassador William Middendorf
4:00	Colson, Dean, Kehrli, Ken Clawson
5:15	Mark Evans, Clarence Arata, Cong. Ken Gray, John Statler (Pres., DC Board of Trade), Sallyanne Payton (DC Arena)
8:30	Motion Picture Association - "Butterflies are Free"

TUESDAY, JUNE 20, 1972

8:00	HRH office
8:15	Roosevelt Room
9:00	HRH, Mitchell
9:45	Joined by John Dean
9:55	Joined by AG Kleindienst
10:30	President
12:00	William Lane (per John Connally)
1:00	Lunch with Roy Wilkins - JDE office
2:25	Car at west basement
2:35	Senator Griffin, Tom Korologos, Ed Morgan
3:00	Senator Bennett, Tom Korologos
4:00	Social Security - MacGregor, Cook, Korologos, Cole, Evans, Weinberger, O'Neill
5:00	Haircut
6:00	Jim Gannon (Wall Street Journal)

instructed by Haldeman to go through all of Mr. Haldeman's files over the weekend and remove and destroy damaging materials. He told me that this material included such matters as memorandums from the reelection committee, documents relating to wiretap information from the DNC, notes of meetings with Haldeman, and a document which reflected that Haldeman had instructed Magruder to transfer his intelligence gathering from Senator Muskie to Senator McGovern. Strachan told me his files were completely clean.

I spoke with Mr. Kleindienst and he told me that both the FBI and the D.C. Metropolitan Police were investigating, and he assumed that the FBI would take full jurisdiction of the case shortly. He also alluded to his encounter with Liddy at Burning Tree Country Club, but did not explain this in full until I later met with him. I do not have a record of when I met with Mr. Kleindienst, but it was either on Monday, the 19th, or the next day. I will describe that meeting shortly.

I met with Ehrlichman in the mid-afternoon and reported in full my conversation with Liddy. I also told Ehrlichman about the earlier meetings I had attended in Mitchell's office in late January and early February and my subsequent conversation with Haldeman. He told me he wanted to meet later with Colson and told me to attend. Ehrlichman also requested that I keep him advised and find out from the Justice Department on what was going on. I did not mention my conversation with Strachan because I assumed that Ehrlichman was aware of this from Haldeman himself.

Later that afternoon I attended a second meeting in Ehrlichman's office with Colson. I recall Ehrlichman asking where Hunt was. I said I had no idea and Colson made a similar statement. At that point, before the meeting had started, Ehrlichman instructed me to call Liddy to have him tell Hunt to get out of the country. I did this, without even thinking. Shortly after I made the call, however, I realized that no one in the White House should give such an instruction and raised the matter. A brief discussion ensued between Ehrlichman and myself. As I recall, Ehrlichman said that he was not a fugitive from justice, so why not. I said that I did not think it was very wise. At this point, Colson chimed in that he also thought it unwise and Ehrlichman agreed. I immediately called Liddy again to retract the request but he informed me that he had already passed the message and it might be too late to retract.

Following this brief telephone skirmish regarding Hunt's travel plans, the meeting turned to Hunt's status at the White House. I had learned from Fred Fielding, who I had asked to check on it, that Hunt had not drawn a check from his White House consultantship since late March of 1972. But as far as I knew, the records indicated that Hunt was still a White House consultant to Colson. After discussions of this by Colson, who at this point was disowning Hunt as a member of his staff, Ehrlichman called Mr. Bruce Kehrli and requested that he bring Hunt's personnel records up to Ehrlichman's office. Before Kehrli arrived, Colson raised the matter of Hunt's safe. Colson, without getting specific, said it was imperative that someone get the contents of Hunt's safe. Colson suggested, and Ehrlichman concurred, that I take custody of the contents of the safe.

When Kehrli arrived he was quizzed by Ehrlichman and Colson on Hunt's status at the White House. Colson was arguing that Hunt should have been removed from the White House as of March 31, 1972. Mr. Kehrli's records, however, did not so indicate. I have submitted to the committee memorandums that Colson forwarded to me on June 19, presenting his argument. This was later resolved between Colson and Kehrli, pursuant to Colson's argument. I always assumed that this required some alteration of the records, but I do not know this for a fact.

[The documents referred to were marked exhibit No. 34–15.*]

Mr. DEAN. Following this discussion, Ehrlichman asked Kehrli where Hunt's office was located and how the contents of his safe could be removed. Kehrli explained that he would have to have GSA open the safe. Colson said it must be done immediately and Ehrlichman instructed Kehrli to have me present when the safe was opened and that I should receive the contents of the safe. Kehrli said he would call me when he had made the arrangements and he then left Ehrlichman's office. Ehrlichman told me to report to him on the contents of Mr. Hunt's safe and the meeting ended.

Kehrli called my office after I had departed. He talked with Fred Fielding and asked him to come with him to open Mr. Hunt's safe. I do not recall mentioning this to Fielding before I departed and I do not know what Kehrli told Fielding, but Kehrli was aware from the earlier meeting with Ehrlichman that I was to receive the contents of the safe.

After departing the office, I believe I went to Mr. Mitchell's apartment. I do not recall who asked me to come to Mitchell's apartment, and it may have been the evening of the 20th, rather than June 19. I recall that when I arrived, Mitchell, Mardian, and Magruder were there and I gather had been discussing matters before I arrived. I recall listening, but can only recall discussions of how to handle the matter from a public relations standpoint. I have no other recollection of the meeting.

It was on June 20 or 21 that Strachan and Mr. Richard Howard came to my office. Strachan informed me that Haldeman had authorized an expenditure by Colson of some funds, but the entire amount had not been expended and he was turning over the remainder to me to hold. I told Mr. Strachan that I would hold the funds and would be accountable for them. I placed the cash, $15,200 in my safe. I informed Mr. Fielding of my office of the fact that the cash was in my safe and where it had come from. I felt I should inform Fielding because I wanted someone to know why the money was in my safe if anything should happen to me.

The cash remained in my safe untouched until October 12, 1972, when I removed a packet of bills amounting to $4,850 and placed my personal check for that amount with the remaining cash. I removed the $4,850 after I had failed to make arrangements to pay for the anticipated expenses of my wedding, and my honeymoon. I subsequently expended the cash over a several month period of time as my honeymoon was cut short and the full amount I had anticipated was not necessary; thus, I used part of the cash for normal daily expendi-

*See p. 1157.

EXHIBIT NO. 34-15

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

June 19, 1972

MEMORANDUM FOR: JOHN DEAN

FROM: CHARLES COLSON

SUBJECT: Howard Hunt

Dick Howard just discovered the attached in his chron file; this is a copy and Bruce Kehrli is looking for the original. I think it can be flatly and clearly said that his services here terminated on March 31, 1972. There is also attached a report of a conversation which Joan Hall had with Howard Hunt approximately 6 or 8 weeks ago.

1158

March 30, 1972

MEMORANDUM FOR BRUCE KEHRLI

We would like to accommodate Howard Hunt on the attached and would like to do it right away and then totally drop him as a consultant so that 1701 can pick him up and use him.

Howard has been very effective for us, but his most logical place now is consulting 1701. The attached could be a major problem and we would like to do everything we can to accomplish this and help him in this way. Please let me know.

W. Richard Howard

A TRUE COPY

1159

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 19, 1972

MEMORANDUM FOR: CHARLES COLSON

FROM: JOAN HALE

SUBJECT: Discussion with Howard Hunt

For the record, approximately 6 or 8 weeks ago in a casual conversation, I asked Howard Hunt why he had not turned in any time sheets. He replied, "That is being taken care of elsewhere." I did not inquire any further and the subject was dropped. (Note: I had initialed his time sheets each month and was merely curious why I had not received one.)

Mr. EHRLICHMAN. I take it, Senator, and here I am speculating, rankly speculating. Here's an episode with Mr. McCord, which comes out through Mr. McCord back through Caulfield to Dean. Now, how does John Dean justify having sent Mr. Caulfield to talk to McCord? I don't know whether that is the explanation or not, but it certainly was suggested to me as I watched Mr. Dean at this table spinning this tale.

Senator GURNEY. Let us go to another area which involved you and Mr. Dean and that is the papers that were taken from Hunt's safe after it was opened by Dean's people. Some of these papers, as you know, were very sensitive. Some were contained in a briefcase of Mr. Hunt's. The testimony, of course, here is that Dean had a conversation with you about this and you made some suggestions about disposing of the papers that were in the briefcase. My recollection is that you advised Mr. Dean to deep-six these papers. Would you care to tell us about this meeting?

Mr. EHRLICHMAN. That was a meeting, if I heard the testimony correctly, which was also attended by other people and should be susceptible of determination from independent witnesses. To correct an assumption in your question, Senator, I did not know the contents of Mr. Hunt's safe except in the most general terms. I was told, and I can't say who told me—probably Mr. Dean—that there was a pistol and a tape recorder and a number of documents, some of which had nothing to do with Watergate but were very politically sensitive. Now, that was the general description. I had no occasion to look at them, I never saw them except as a few of them were sealed in an envelope and handed to Pat Gray.

The conversation has to be weighed, the probability of such a conversation where I said, run out and throw this in the river, has to be weighed against what I actually did, which I think the witnesses who were in the meeting on the 19th will tell you that I did.

We had had a meeting for two purposes on the 19th, which included Mr. Colson, Mr. Kehrli, staff secretary, and Ken Clawson on the White House staff. The meeting was for, as I say, two purposes—one, to try to determine what the facts were about Howard Hunt's employment status, which was very murky at that point in time, because of some lack of documents or some confusion of documents, and things of that sort.

The other purpose was to talk about what to do about this safe which had been found on the premises, and apparently had things in it that related to Howard Hunt, who was then, if not arrested, at least a prime suspect.

The instructions which we agreed upon at that meeting were that a number of people should be present at the opening of that safe. We knew we had to have something from the GSA because they had to open the safe. But in addition to that, I specified to Mr. Kehrli, being present, that Mr. Dean be present and take custody. Then I think Mr. Kehrli suggested that a Secret Service agent be present under the circumstances, because we were breaking into a safe in the White House. And that was the arrangement that was agreed upon when we broke up on the 19th.

My purpose in doing that was twofold. One, this was a kind of extraordinary procedure and I thought there ought to be people who

Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

statistics. It was not until late that afternoon that I learned that more might be involved. John Ehrlichman called to inquire as to Howard Hunt's whereabouts. I explained that I had not seen Hunt in a couple of months, but that I believed that he was working at the Committee for the Re-election of the President. Ehrlichman informed me that one of those arrested had had something in his possession with Howard Hunt's name on it. He also asked me if I knew Douglas Caddy. I told him I knew only the name.

Ehrlichman explained that he was simply trying to determine the facts.

On Monday, June 19, I attended various meetings with Mr. Ehrlichman and Mr. John Dean. We were endeavoring to determine what Mr. Hunt's status was and when his service at the White House had been terminated. I do not recall the exact sequence of the meetings or the persons in attendance that day. I do recall specifically the following points:

1. We determined that my assistant, Richard Howard, had on March 30, 1972, advised the Staff Secretary to terminate Hunt's

consultant relationship with the White House. A copy of Mr. Howard's memo was provided to your staff when I met with them for a preliminary interview on May 3 of this year.

2. We determined that Hunt's termination had not been handled routinely. At the time that he left the White House in March, Hunt asked whether he could change the survivors benefit election which he had made upon his retirement from the CIA a year earlier. Hunt's memo requesting the change had been submitted as an enclosure to the termination memo of March 30. This request was apparently sent by the Staff Secretary to the White House personnel or Civil Service office. When the decision was made on the request the file was apparently returned to the Staff Secretary. The Staff Secretary apparently failed to

take steps to formally process Hunt's termination, such as the cancellation of his White House pass, the surrender of documents, etc.

3. We learned -- to my surprise -- that Mr. Hunt still maintained a safe in an office in the Executive Office Building. I suggested to Dean that he take custody of the safe. I was certain in my own mind that there would be an investigation if the facts established that Hunt had had any connection with the Watergate break-in. It was my view that the White House counsel had a responsibility to secure the safe and any other evidence. Contrary to Mr. Dean's testimony (TR 2169), I had had no communications from Hunt over that weekend; no one suggested that I remove anything from the safe. I never saw the safe nor was I aware of the contents of the safe. As a matter of fact, it was not until late June, after publication of a Scripps-Howard

Indistinct document retyped by
House Judiciary Committee staff

March 27, 1972

MEMORANDUM FOR: CHARLES COLSON

FROM: HOWARD HUNT

SUBJECT: Securing Survivorship Benefits

When I retired from CIA on May 1, 1970, I was given the usual option of receiving full annuity without post mortem benefits to my survivors, or a reduced annuity with survivorship benefits. I elected the former, unaware that the choice would later be held irrevocable.

About a year later I requested the CIA General Counsel to assist me in changing to the survivorship provision. His negative response is attached.

Now that I have acquired a duodenal ulcer for the third time, I am close to uninsurable -- or at prohibitively high-risk rates -- with consequent prejudice to my family's future. As an alternative, it occurs to me that I might be re-hired, briefly, by the Executive Branch, to retire again in a few days so that I could elect reduced annuity with survivorship benefits.

To effect this will entail a certain amount of paper work. However, I am requesting White House assistance in restoring the opportunity to provide for my family beyond the limitations of my private insurance coverage.

Indistinct document retyped by
House Judiciary Committee staff

14.6 E. HOWARD HUNT MEMORANDUM, MARCH 27, 1972

March 27, 1972

MEMORANDUM FOR: CHARLES COLSON

FROM: HOWARD HUNT

SUBJECT: Securing Survivorship Benefits

When I retired from CIA on May 1, 1970, I was given the usual option of receiving full annuity without post mortem benefits to my survivors, or a reduced annuity with survivorship benefits. I elected the former, unaware that the choice would later be held irrevocable.

About a year later I requested the CIA General Counsel to assist me in changing to the survivorship provision. His negative response is attached.

Now that I have acquired a duodenal ulcer for the third time, I am close to uninsurable -- or at prohibitively high-risk rates -- with consequent prejudice to my family's future. As an alternative, it occurs to me that I might be re-hired, briefly, by the Executive Branch, to retire again in a few days so that I could elect reduced annuity with survivorship benefits.

To effect this will entail a certain amount of paper work. However, I am requesting White House assistance in restoring the opportunity to provide for my family beyond the limitations of my private insurance coverage.

OFFICE OF CHARLES W. COLSON

Charles W. Colson		
Commissioned :	Special Counsel to the President	11/3/69 - 3/10/73

STAFF ASSISTANTS

W. Richard Howard		5/2/71 - 1/20/73
Commissioned:	Special Assistant to the President	1/21/73 - 3/10/73
Other Service:		3/11/73 - Present (Mr. Baroody)
Patrick E. O'Donnell		6/1/71 - 2/10/73
William F. Rhatican	- Other Service	2/1/71 - 5/5/71 (Mr. Klein)
		5/6/71 - 2/3/73 (Mr. Colson)
Other Service:		2/4/73 - Present (Mr. Ziegler)
S. Steven Karalekas		6/7/71 - 3/10/73
Other Service:		3/11/73 - 4/27/73 (Mr. Baroody)
John G. Carlson		3/13/72 - 12/16/72
Other Service:		3/18/73 - Present (Mr. Ziegler)
Howard A. Cohen		3/18/72 - 9/16/72
James M. Schurz		6/19/72 - 11/11/72
Michael P. Balzano		5/28/72 - 3/10/73
Other Service:		3/11/73 - 4/9/73 (Mr. Baroody
Kathleen W. Balsdon		7/1/72 - 3/10/73
Other Service:		3/11/73 - Present (Mr. Baroody)
Llewellyn Evans		6/15/70 - 8/11/70
		8/9/71 - 1/4/73

000148

SECRETARIES

Joan Hall	11/1/69 - 1/27/73
Kathleen W. Balsdon	5/30/71 - 6/30/72
Holly Holm	5/3/71 - 3/10/73

March 30, 1972

MEMORANDUM FOR BRUCE KEHRLI

We would like to accommodate Howard Hunt on the attached and would like to do it right away and then totally drop him as a consultant so that 1701 can pick him up and use him.

Howard has been very effective for us, but his most logical place now is consulting 1701. The attached could be a major problem and we would like to do everything we can to accomplish this and help him in this way. Please let me know.

W. Richard Howard

001033

35-780 O - 74 - 13

Log
File

9.2

THE WHITE HOUSE

WASHINGTON

5 September 1973

Dear Mr. Cox:

This is in response to your letter of August 27 requesting the copy of a W. Richard Howard memorandum of March 30, 1972 to Bruce Kehrli and of August 29 requesting the pass approval form for E. Howard Hunt.

As I mentioned to you in a recent telephone conversation, the fact that a particular document is in the physical custody of a current employee of the White House does not alter the fact that such documents are Presidential Papers, of which the authority to control is exclusively a matter for Presidential decision. Accordingly, requests for such documents, whether originating with the office of the Special Prosecutor or the Grand Jury, should be addressed to me in order that the request may be considered by the President.

Both documents you requested are enclosed.

Sincerely,

J. Fred Buzhardt

J. Fred Buzhardt
Special Counsel to the President

Honorable Archibald Cox
Special Prosecutor
Watergate Special Prosecution Force
1425-K Street, N.W.
Washington, D.C. 20005

001032

Enclosures

RB-V:aw

August 27, 1973

J. Fred Buzhardt, Esq.
Counsel to the President
The White House
Washington, D. C.

Re: Memorandum from W. Richard Howard to Bruce Kehrli - 3/30/72

Dear Mr. Buzhardt:

During the course of W. Richard Howard's appearance before the grand jury on August 14, 1973, he was directed by the grand jury foreman to produce the original carbon copy of a March 30, 1973 memorandum which he wrote to Bruce Kehrli concerning E. Howard Hunt. I am informed that Mr. Howard's attorney, John Jude O'Donnell, has been advised by you that you are prepared to furnish this document to the grand jury on receipt of a letter from this Office confirming that the grand jury did in fact make such a request of Mr. Howard. As you will recall, the ribbon original of this document was furnished to the grand jury by you on July 19, 1973.

Please advise us if you desire any further information.

Very truly yours,

Archibald Cox
Special Prosecutor

001024

WH

000156

THE WHITE HOUSE
WASHINGTON

CONFIDENTIAL

March 30, 1972

MEMORANDUM FOR BRUCE KEHRLI

We would like to accommodate Howard Hunt on the attached and would like to do it right away and then totally drop him as a consultant so that 1701 can pick him up and use him.

Howard has been very effective for us, but his most logical place now is consulting 1701. The attached could be a major problem and we would like to do everything we can to accomplish this and help him in this way. Please let me know.

-Dick

W. Richard Howard

OK - Drop AS of April 1, 1972
BAK

THE WHITE HOUSE

WASHINGTON

ADMINISTRATIVELY CONFIDENTIAL

May 5, 1972

DV

Dear Larry:

With reference to your letter to me of May 6, 1971 concerning change in my annuity survivorship benefits, the White House legal staff has examined the C.I.A. Retirement Act of 1964 for Certain Employees, with particular reference to Sections 233 and 271(b) of that Act. In their opinion, the Director has the authority to recall me to duty, then permit me to revert to retired status at which time I could elect reduced annuity with survivorship benefits.

In short, it would appear that were the Director willing, he could recall me for, say, a day or a week, after which I could opt for survivorship benefits.

May I ask that you re-examine my situation in light of the foregoing, and if it squares with your own interpretation of the pertinent Sections of the Act, lay the matter before Mr. Helms for his decision?

100380

Sincerely,

Howard Hunt
Consultant to the President

Mr. Lawrence R. Houston
General Counsel
Central Intelligence Agency
Washington, D. C. 20505

Mr. MAGRUDER. Yes, I think that is correct.

Mr. DASH. Now, after this meeting, Mr. Magruder, did you report to anyone about the meeting?

Mr. MAGRUDER. Yes, I sent the documents that Mr. Liddy had given us at the meeting to Mr. Strachan.

Mr. DASH. And again, was this in your normal course of using Mr. Strachan to the White House staff people such as Mr. Haldeman?

Mr. MAGRUDER. Yes, I automatically sent all documents to Mr. Strachan.

Mr. DASH. And did those documents contain all of what Mr. Liddy had presented at that meeting?

Mr. MAGRUDER. Certainly, all of the specific discussion. They did not contain, as an example, the discussion on targets, because that was a discussion, and that was not in the documents.

Mr. DASH. Did you have a telephone conversation with Mr. Strachan concerning that meeting?

Mr. MAGRUDER. Yes, I indicated the general context of that meeting.

Mr. DASH. And did that include Mr. Mitchell's suggestions concerning the Las Vegas mission?

Mr. MAGRUDER. I cannot recall specifically that point, but I would assume that I probably discussed the key targets that we had discussed.

Mr. DASH. And that would include the Democratic National Committee headquarters and Mr. O'Brien?

Mr. MAGRUDER. Yes.

Mr. DASH. Did you discuss the meeting with anybody else, either at the committee or the White House?

Mr. MAGRUDER. I cannot recall discussing it with anyone else.

Mr. DASH. Was there any special role that Mr. LaRue played in the Committee for the Re-Election of the President?

Mr. MAGRUDER. Mr. LaRue was an adviser of Mr. Mitchell's. He was a close friend of Mr. Mitchell's. He had become a close friend of mine. He was someone who worked with all of us. We all felt he had an astute political judgment, and we worked very closely with Mr. LaRue on literally all matters that concerned the committee.

Mr. DASH. Did there come a time after the second meeting that you had some difficulty with Mr. Liddy, and Mr. LaRue played some role in that?

Mr. MAGRUDER. Yes.

Mr. DASH. Will you tell us about that?

Mr. MAGRUDER. In approximately mid-March, I had requested certain things from Mr. Liddy, I think relating to his legal work as general counsel, and they had not been forthcoming. I met him, ran into him on the third floor of our building, and asked him would he be more cooperative in producing the work that we needed quickly? He indicated some disturbance with me at that time.

I went upstairs and was somewhat agitated, and asked him to come upstairs and discuss this matter with me; and at that time, Mr. LaRue sat in on part of the meeting. At that time, we agreed that Mr. LaRue—Mr. Liddy would terminate from our committee completely at first and——

Mr. DASH. What was the difficulty that did occur, and what was the altercation, if you can be a little more specific?

Mr. MAGRUDER. Well, I simply put my hand on Mr. Liddy's shoulder, and he asked me to remove it and indicated that if I did not, serious consequences could occur.

Mr. DASH. Was he more specific than serious consequences?

Mr. MAGRUDER. Well, he indicated that he would kill me. But I want to make it clear that I did not, I do not regard that and I do not now regard that as a specific threat. It was simply Mr. Liddy's mannerism. I think he was indicating to me that he did not care for his relationship with me. That was all.

Mr. DASH. Where, actually, did this particular meeting with you and Mr. Liddy occur?

Mr. MAGRUDER. The altercation or the meeting?

Mr. DASH. The altercation.

Mr. MAGRUDER. In the lobby of the third floor, the reception area of the committee.

Mr. DASH. And thereafter, there was a meeting with Mr. Liddy, and Mr. LaRue came up?

Mr. MAGRUDER. Yes.

Mr. DASH. Where did that happen?

Mr. MAGRUDER. In my office.

Mr. DASH. What happened at that time?

Mr. MAGRUDER. Well, at first we agreed, Mr. Liddy and I, that he would terminate from the committee all activities. Then we discussed the intelligence gathering, and he indicated at one point that possibly Mr. Hunt could become involved directly in this area, or that we could cease any consideration of that. At that time, as I recall, Mr. LaRue indicated that it would be best if we retained Mr. Liddy, at least in that area. But he was not overly specific. He just thought it was best that we keep things cool and not get too excited about the situation.

What we then agreed to was to terminate him from our committee as general counsel, but retain him in the area of intelligence gathering.

Mr. DASH. Well, now, at the time Mr. LaRue was anxious to have you keep Mr. Liddy in the intelligence gathering, did Mr. LaRue know what Mr. Liddy was planning to do?

Mr. MAGRUDER. I think in—again, Mr. LaRue sat in on many of our meetings, and he and I had and are still very close friends, and we discussed, I am sure, in general terms, Mr. Liddy's proposal. I could not recall a specific time, sitting down with Mr. LaRue, though, telling him exactly what Mr. Liddy's proposal were.

Mr. DASH. By the way, did you know at that time that Mr. Hunt was working with Mr. Liddy?

Mr. MAGRUDER. At that time—I think by that time, I had been encouraged by certain staff members at the White House to be sure that Mr. Hunt was not employed by us directly, but employed by Mr. Liddy. So I think I was aware at that time that he was.

Mr. DASH. What staff members at the White House made such encouragement?

Mr. MAGRUDER. Mr. Howard, Richard Howard.

Mr. DASH. Who is Mr. Richard Howard?

Mr. MAGRUDER. He was Mr. Colson's assistant.

Mr. DASH. What, if anything, did he say to you? What kind of encouragement did he give you?

Mr. MAGRUDER. He indicated that Mr. Hunt had completed his assignments at the White House, and since we were now engaged in intelligence activities, he thought I would find Mr. Hunt very valuable. I only met Mr. Hunt once, so I was not really quite sure in what terms he would be valuable. So I indicated to Mr. Howard that he should refer Mr. Hunt to Mr. Liddy and that Mr. Liddy would employ him. I did not know at that time that he and Mr. Liddy had worked together before.

Mr. DASH. Now, also concerning this altercation you had with Mr. Liddy and your decision to terminate his employment, did you receive any communication from any other person from the White House concerning Mr. Liddy?

Mr. MAGRUDER. Yes, evidently Mr. Liddy, after he left my office, went and saw Mr. Dean and then Mr. Strachan. I received a call from Mr. Dean encouraging me not to become personally concerned about Mr. Liddy, that I should not let my personal animosity and his get in the way of the project. And then I went over to the White House and was working with Mr. Strachan on normal campaign matters, and he brought up the same subject and, as we walked back to the committee—it was a Friday afternoon, I recall, and it was raining—he indicated that although he had the same personal difficulties with Mr. Liddy, that probably Mr. Liddy was quite professional in this intelligence gathering, and we should retain him in this area.

Mr. DASH. Did Mr. Egil Krogh ever talk to you concerning either Mr. Liddy or Mr. Hunt?

Mr. MAGRUDER. Mr. Krogh did talk to me about Mr. Liddy, and mentioned to me a number of times we should keep tight control over him but he was very effective.

Mr. DASH. Did you know at any time of Mr. McCord's participation in Mr. Liddy's plan?

Mr. MAGRUDER. No.

Mr. DASH. After the February 4 meeting in Mr. Mitchell's office, when the plan was not still approved, did there come a time when anyone else at the White House urged you to get the Liddy plan approved?

Mr. MAGRUDER. Yes. Mr. Charles Colson called me one evening and asked me, in a sense, would we get off the stick and get the budget approved for Mr. Liddy's plans, that we needed information, particularly on Mr. O'Brien. He did not mention, I want to make clear, anything relating to wiretapping or espionage at that time.

Mr. DASH. But in that discussion, did you get the impression yourself that he knew what the Liddy plan was?

Mr. MAGRUDER. Again I want to be careful. I knew Mr. Hunt was a close friend of Mr. Colson's, he had been referred to me earlier by Mr. Colson. I did make the assumption that he did know but he did not say that he did know but he did not say that he was aware of the specifics and never did say that to me at any time.

Mr. DASH. Would Mr. Colson be one of those persons who would be in line of communication to whatever Mr. Strachan was communicating to the White House?

Mr. MAGRUDER. I think Mr. Strachan worked closely with Mr. Colson, but his line of command was through Mr. Haldeman.

15. At the meeting specified in the preceding paragraph, John Ehrlichman instructed that Howard Hunt's EOB safe should be opened in the presence of John Dean, Bruce Kehrli and a Secret Service Agent, and that Dean should take possession of the contents. Charles Colson said that this should be done immediately. On the evening of June 19, 1972 at Kehrli's request, Hunt's safe was forcibly opened in the presence of a Secret Service Agent and a GSA representative. Kehrli and Fred Fielding, Dean's assistant, arrived shortly thereafter.

Page

15.1 John Ehrlichman testimony, 6 SSC 2612-13 190

15.2 John Dean testimony, 3 SSC 934 192

15.3 Bruce Kehrli deposition, Democratic National Committee v. McCord, May 15, 1973, 6-9 193

15.4 Fred Fielding deposition, Democratic National Committee v. McCord, May 15, 1973, 7-9 197

15.5 Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 4 (received from SSC) 200

Mr. EHRLICHMAN. I take it, Senator, and here I am speculating, rankly speculating. Here's an episode with Mr. McCord, which comes out through Mr. McCord back through Caulfield to Dean. Now, how does John Dean justify having sent Mr. Caulfield to talk to McCord? I don't know whether that is the explanation or not, but it certainly was suggested to me as I watched Mr. Dean at this table spinning this tale.

Senator GURNEY. Let us go to another area which involved you and Mr. Dean and that is the papers that were taken from Hunt's safe after it was opened by Dean's people. Some of these papers, as you know, were very sensitive. Some were contained in a briefcase of Mr. Hunt's. The testimony, of course, here is that Dean had a conversation with you about this and you made some suggestions about disposing of the papers that were in the briefcase. My recollection is that you advised Mr. Dean to deep-six these papers. Would you care to tell us about this meeting?

Mr. EHRLICHMAN. That was a meeting, if I heard the testimony correctly, which was also attended by other people and should be susceptible of determination from independent witnesses. To correct an assumption in your question, Senator, I did not know the contents of Mr. Hunt's safe except in the most general terms. I was told, and I can't say who told me—probably Mr. Dean—that there was a pistol and a tape recorder and a number of documents, some of which had nothing to do with Watergate but were very politically sensitive. Now, that was the general description. I had no occasion to look at them, I never saw them except as a few of them were sealed in an envelope and handed to Pat Gray.

The conversation has to be weighed, the probability of such a conversation where I said, run out and throw this in the river, has to be weighed against what I actually did, which I think the witnesses who were in the meeting on the 19th will tell you that I did.

We had had a meeting for two purposes on the 19th, which included Mr. Colson, Mr. Kehrli, staff secretary, and Ken Clawson on the White House staff. The meeting was for, as I say, two purposes—one, to try to determine what the facts were about Howard Hunt's employment status, which was very murky at that point in time, because of some lack of documents or some confusion of documents, and things of that sort.

The other purpose was to talk about what to do about this safe which had been found on the premises, and apparently had things in it that related to Howard Hunt, who was then, if not arrested, at least a prime suspect.

The instructions which we agreed upon at that meeting were that a number of people should be present at the opening of that safe. We knew we had to have something from the GSA because they had to open the safe. But in addition to that, I specified to Mr. Kehrli, being present, that Mr. Dean be present and take custody. Then I think Mr. Kehrli suggested that a Secret Service agent be present under the circumstances, because we were breaking into a safe in the White House. And that was the arrangement that was agreed upon when we broke up on the 19th.

My purpose in doing that was twofold. One, this was a kind of extraordinary procedure and I thought there ought to be people who

could, one, later on tell what had happened; two, I was concerned about the custody of these documents, the chain of evidence, the perfectibility of proof if the time came and there were documents in there that bore on Mr. Hunt's liability.

So that was done, and it was done, I believe, that same day or that evening.

Senator GURNEY. Yes.

Mr. EHRLICHMAN. Now, it seems to me that it would have been folly for me at some later time, then, to suggest that the briefcase be thrown into the floodtide of the Potomac or that these papers be thrown in the river, or something of this kind.

Now, there was in this story also the suggestion of shredding. I don't think in my life that I have suggested to anybody that a document be shredded. Shredding is just not something that I have ever resorted to under any circumstances, nor proposed to anybody under any circumstances. As I said, we have a great disposal system at the White House. If you really want to get rid of a document, you put it in a burn bag and you seal it up and it's never opened again, and it goes into a furnace and that is the end of it.

Senator GURNEY. But to get back to this second meeting when John Dean comes to you and tells you, we have got some pretty sensitive papers here, and as he alleges, you say, well, deep-six this briefcase. What's your testimony on that?

Mr. EHRLICHMAN. I did not. I have no recollection of that kind of a conversation.

Senator GURNEY. Did you make any other suggestion to him that he dispose of these papers in any other way?

Mr. EHRLICHMAN. We discussed what to do about some papers which he told me about in the safe which really should not be leaked. Again, we have to come back to our FBI problem. And he was genuinely concerned and when he explained it to me, I shared his concern, that if these documents were simply wholesaled to the Washington field office the FBI, we would be reading about it in Time magazine in very short order.

Senator GURNEY. Now you are talking about the ones that were turned over to Gray?

Mr. EHRLICHMAN. And so Mr. Dean came up with this idea, turning them over to Pat Gray personally. And I certainly concurred in it. I thought that was an ideal solution to the problem.

Senator GURNEY. Did that come up in this meeting when supposedly the deep-six conversation came up?

Mr. EHRLICHMAN. Well, I gathered that that meeting was supposed to have been the meeting when Mr. Kehrli and the others were there. It would have necessarily been at that meeting, because the die was cast thereafter. You know, the 20 bishops had witnessed the opening of the safe at this point. So it had to be that meeting.

Now, I do not know what meeting he is referring to.

Senator GURNEY. I think he said it was the 21st.

Mr. EHRLICHMAN. The 21st.

I met with Mr. Dean on the 21st in the afternoon. The only thing that I can say to you is that I certainly would not have and did not propose the destruction of those documents.

instructed by Haldeman to go through all of Mr. Haldeman's files over the weekend and remove and destroy damaging materials. He told me that this material included such matters as memorandums from the reelection committee, documents relating to wiretap information from the DNC, notes of meetings with Haldeman, and a document which reflected that Haldeman had instructed Magruder to transfer his intelligence gathering from Senator Muskie to Senator McGovern. Strachan told me his files were completely clean.

I spoke with Mr. Kleindienst and he told me that both the FBI and the D.C. Metropolitan Police were investigating, and he assumed that the FBI would take full jurisdiction of the case shortly. He also alluded to his encounter with Liddy at Burning Tree Country Club, but did not explain this in full until I later met with him. I do not have a record of when I met with Mr. Kleindienst, but it was either on Monday, the 19th, or the next day. I will describe that meeting shortly.

I met with Ehrlichman in the mid-afternoon and reported in full my conversation with Liddy. I also told Ehrlichman about the earlier meetings I had attended in Mitchell's office in late January and early February and my subsequent conversation with Haldeman. He told me he wanted to meet later with Colson and told me to attend. Ehrlichman also requested that I keep him advised and find out from the Justice Department on what was going on. I did not mention my conversation with Strachan because I assumed that Ehrlichman was aware of this from Haldeman himself.

Later that afternoon I attended a second meeting in Ehrlichman's office with Colson. I recall Ehrlichman asking where Hunt was. I said I had no idea and Colson made a similar statement. At that point, before the meeting had started, Ehrlichman instructed me to call Liddy to have him tell Hunt to get out of the country. I did this, without even thinking. Shortly after I made the call, however, I realized that no one in the White House should give such an instruction and raised the matter. A brief discussion ensued between Ehrlichman and myself. As I recall, Ehrlichman said that he was not a fugitive from justice, so why not. I said that I did not think it was very wise. At this point, Colson chimed in that he also thought it unwise and Ehrlichman agreed. I immediately called Liddy again to retract the request but he informed me that he had already passed the message and it might be too late to retract.

Following this brief telephone skirmish regarding Hunt's travel plans, the meeting turned to Hunt's status at the White House. I had learned from Fred Fielding, who I had asked to check on it, that Hunt had not drawn a check from his White House consultantship since late March of 1972. But as far as I knew, the records indicated that Hunt was still a White House consultant to Colson. After discussions of this by Colson, who at this point was disowning Hunt as a member of his staff, Ehrlichman called Mr. Bruce Kehrli and requested that he bring Hunt's personnel records up to Ehrlichman's office. Before Kehrli arrived, Colson raised the matter of Hunt's safe. Colson, without getting specific, said it was imperative that someone get the contents of Hunt's safe. Colson suggested, and Ehrlichman concurred, that I take custody of the contents of the safe.

Q And you desire to proceed without an attorney?

A That is right.

Q What are your duties at the White House, Mr. Kehrli?

A Basically administrative. My title is Special Assistant to the President. My position is one of a staff secretary which is kind of the operations officer for the White House on a day-to-day basis.

It involves making sure that papers that the President sees, official papers, are staffed correctly; handling the paper flow to the President such as official documents, bills, proclamations, things of this nature. Handling the administration of the White House staff in terms of payroll, office space, things of this nature.

Q How long have you held this position?

A Since January 1, 1972.

Q Who do you report to in this capacity?

A Well, I did report to Bob Haldeman. I now report to General Haig.

Q Let me direct your attention to June 19th of 1972. You had an occasion at that time to go to an office in the Old Executive Office Building isn't that correct?

Q Yes, that is correct.

Q Is that Room 338?

A Yes, it is.

Q That was the office of Howard Hunt?

A Yes.

Q What caused you to go to that office, Mr. Kehrli?

A I was requested by John Dean to go to that office.

Q When did he make that request to you?

A In the afternoon at about 2:00 o'clock, I think. I am not sure of the correct time. Early afternoon on that day.

Q Would you relate that conversation to us, what took place?

A He just asked me to go the office and see if there were any materials or papers left and clean them out. I went up to the office. I checked to find only stationery and other things of that nature in the desk but found a safe in the office.

I had put the stationery in a large box and had it removed to a room in EOB, Executive Office Building. I had the safe taken to that same area.

Q Did you do this by yourself?

A No, I did that with GSA personnel.

Q Do you recall who they were?

A No, I don't.

Q What time was this you removed this, about 2:30 in the afternoon? Is that correct?

A It was probably around -- immediately after my discussions with Mr. Dean.

Q What happened when you took the safe to the Old Executive Office Building?

A We were in the Old Executive Office Building. We took it to the fifth floor. I then checked with the GSA representative and with the Secret Service representative to see if they had a combination for the safe.

Q What did you find out?

A That they did not.

Q Was it a GSA safe?

A It was.

Q And they did not have the combination?

A No, which is not unusual.

Q Then what took place?

A Then I asked them to open the safe and to give me a call because John Dean had said he wanted to be there when the safe was opened and I waited. I got a call, let's see at about -- it was early evening, from one of the -- I think it was the FBI agent.

When the safe was opened they had a Secret Service agent there and the fellow actually opened the safe. They had people

to protect themselves against any problems, things missing out of the safe.

Q Do you know who the Secret Service agent was?

A Baker, as I remember.

He called and said, "We have opened the safe. There is a gun in the safe. You better come up and take a look at it."

So at that point I tried to reach Mr. Dean. I was unable to reach him and reached Mr. Fielding and we went up. We both arrived. It took me a couple of hours to track down Fielding and we went up there I think around 7:30 or 8:00 o'clock. At that point --

Q Were you there before he was?

A No.

Q You got there at the same time?

A Approximately the same time. I think we may have seen each other coming down the hall toward the safe. I don't really remember at this point but it was approximately the same time.

From there the GSA or the fellow who opened the safe and the Secret Service agent left. We took the material out of the safe, put it in a couple of boxes that we had there, called GSA people to come up and take it from there to my office because that was the most secure area there in the

Q Was there a deputy at that point?

A No, there was not.

Q So you were the second in command at that point?

A Yes.

Q Were you hired by Mr. Dean?

A Yes, sir. Well, I was hired by Mr. Dean. He is the one who interviewed me and offered me the position.

Q Had you known Mr. Dean prior to this?

A I had not.

Q Let's address your attention to June 19, 1972. On that occasion, you had the occasion to go to Mr. Hunt's office; is that correct?

A That is not correct. To the best of my knowledge, I have never been in Mr. Hunt's office. June 19th, just so I am sure, that was Monday?

Q Yes, it would have been Monday, the 19th.

A I just wanted to make sure. On June the 19th, the evening of June the 19th, I had occasion to go to the fifth floor of the Old Executive Office Building to a room. I am just not sure of the room number. It was not Mr. Hunt's office. It was no one's office. It was a GSA storeroom.

Q It is not the office Mr. Hunt occupied when he was at the White House; is that correct?

35-780 O - 74 - 14

A I am sure it wasn't. It was a GSA storeroom.

Q Would Room 522 be the room that you went to in the Old Executive Office Building?

A Yes, to the best of my knowledge.

Q Would you tell us what happened when you arrived there.

A When I arrived there, Mr. Bruce Kehrli, who was at that time a staff secretary at the White House office, was present, a GSA representative, I believe, was in the hallway and, to the best of my recollection, there was a Secret Service agent present. There was a safe in that room which had just been drilled by a team of people from one of the safe companies.

Q Do you know who they were?

A No.

Q Do you know who the Secret Service man was?

A No, I don't.

Q The only person you knew was Mr. Kehrli?

A And the GSA representative.

Q You knew him?

A Yes.

Q Who was that?

A Mr. Charles Rotchford, spelled R-O-T-C-H-F-O-R-D * I believe.

Q When you arrived in the room, the safe was already open?

A The safe had been drilled and was open approximately

* To correct stenographic error

an inch. One of the drawers was open approximately an inch.

Q The team had already left that drilled the safe; is that correct?

A Yes.

Q Approximately what time was this?

A I would say it was approximately 7:30. 7:30 to 8:00 o'clock in the evening.

Q What caused you to go to that room in the Old Executive Office Building?

A I was in my office working sometime around 7:00 o'clock. I got a phone call from Mr. Kehrli who was trying to reach Mr. Dean. Mr. Dean was not in the office at the time. I tried to reach him and couldn't. Mr. Kehrli advised me that they had Mr. Hunt's safe in this room, 522, and it had been drilled and that Mr. Dean had asked that he be present when the safe was opened. I then tried to find Mr. Dean and could not, and I knew that Mr. Kehrli had come in from his home upon advice that the safe was open, so I said, "Well, if Mr. Dean wants somebody to be up there, I'll come up there." That's how I ended up in Room 522.

Q The safe was then open, I assume, when you were there?

A Yes. By way of background, it is my understanding, and I didn't know this at the time, that the Secret Service

retyped from indistinct original

Draft

Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

take steps to formally process Hunt's termination, such as the cancellation of his White House pass, the surrender of documents, etc.

3. We learned -- to my surprise -- that Mr. Hunt still maintained a safe in an office in the Executive Office Building. I suggested to Dean that he take custody of the safe. I was certain in my own mind that there would be an investigation if the facts established that Hunt had had any connection with the Watergate break-in. It was my view that the White House counsel had a responsibility to secure the safe and any other evidence. Contrary to Mr. Dean's testimony (TR 2169), I had had no communications from Hunt over that weekend; no one suggested that I remove anything from the safe. I never saw the safe nor was I aware of the contents of the safe. As a matter of fact, it was not until late June, after publication of a Scripps-Howard

16. Immediately before the meeting specified in paragraph 14, John Dean asked Gordon Liddy to advise Howard Hunt that he should leave the country. Liddy contacted Hunt and told him that "they" wanted Hunt to get out of town. Dean states that he took this action on instructions from Ehrlichman, and that Dean retracted his instruction shortly after he gave it. Ehrlichman has denied that he gave such instructions.

Page

16.1 John Dean testimony, 3 SSC 934.....204

16.2 E. Howard Hunt testimony, SSC Executive Session, July 26, 1973, 210-12.....205

16.3 E. Howard Hunt testimony, 9 SSC 3690.....208

16.4 John Ehrlichman testimony, 7 SSC 2718-19.....209

16.5 Transcript of tape recorded conversation between Ken Clawson and John Ehrlichman, March or April 1973, SSC Exhibit No. 108, 7 SSC 3009.....211

16.6 Transcript of tape recorded conversation between Charles Colson and John Ehrlichman, April 17, 1973, SSC Exhibit No. 109, 7 SSC 3010-11.....212

16.7 United States v. Mitchell indictment, March 1, 1974, 1, 7-8.....214

16.8 Robert Bennett deposition, Democratic National Committee v. McCord, April 19, 1973, 25, 29-32.....217

instructed by Haldeman to go through all of Mr. Haldeman's files over the weekend and remove and destroy damaging materials. He told me that this material included such matters as memorandums from the reelection committee, documents relating to wiretap information from the DNC, notes of meetings with Haldeman, and a document which reflected that Haldeman had instructed Magruder to transfer his intelligence gathering from Senator Muskie to Senator McGovern. Strachan told me his files were completely clean.

I spoke with Mr. Kleindienst and he told me that both the FBI and the D.C. Metropolitan Police were investigating, and he assumed that the FBI would take full jurisdiction of the case shortly. He also alluded to his encounter with Liddy at Burning Tree Country Club, but did not explain this in full until I later met with him. I do not have a record of when I met with Mr. Kleindienst, but it was either on Monday, the 19th, or the next day. I will describe that meeting shortly.

I met with Ehrlichman in the mid-afternoon and reported in full my conversation with Liddy. I also told Ehrlichman about the earlier meetings I had attended in Mitchell's office in late January and early February and my subsequent conversation with Haldeman. He told me he wanted to meet later with Colson and told me to attend. Ehrlichman also requested that I keep him advised and find out from the Justice Department on what was going on. I did not mention my conversation with Strachan because I assumed that Ehrlichman was aware of this from Haldeman himself.

Later that afternoon I attended a second meeting in Ehrlichman's office with Colson. I recall Ehrlichman asking where Hunt was. I said I had no idea and Colson made a similar statement. At that point, before the meeting had started, Ehrlichman instructed me to call Liddy to have him tell Hunt to get out of the country. I did this, without even thinking. Shortly after I made the call, however, I realized that no one in the White House should give such an instruction and raised the matter. A brief discussion ensued between Ehrlichman and myself. As I recall, Ehrlichman said that he was not a fugitive from justice, so why not. I said that I did not think it was very wise. At this point, Colson chimed in that he also thought it unwise and Ehrlichman agreed. I immediately called Liddy again to retract the request but he informed me that he had already passed the message and it might be too late to retract.

Following this brief telephone skirmish regarding Hunt's travel plans, the meeting turned to Hunt's status at the White House. I had learned from Fred Fielding, who I had asked to check on it, that Hunt had not drawn a check from his White House consultantship since late March of 1972. But as far as I knew, the records indicated that Hunt was still a White House consultant to Colson. After discussions of this by Colson, who at this point was disowning Hunt as a member of his staff, Ehrlichman called Mr. Bruce Kehrli and requested that he bring Hunt's personnel records up to Ehrlichman's office. Before Kehrli arrived, Colson raised the matter of Hunt's safe. Colson, without getting ... specific, said it was imperative that someone get the contents of Hunt's safe. Colson suggested, and Ehrlichman concurred, that I take custody of the contents of the safe.

Indistinct document retyped by
House Judiciary Committee staff

were apprehended inside the offices of the Democratic National Committee --

Mr. Hunt. Yes, sir.

Mr. Lackritz. - could you please describe from that point on what your reaction was, and what you did after that?

Mr. Bittman. You want to go through the whole thing again?

Mr. Lackritz. Off the record.

(Discussion off the record.)

Mr. Lackritz. Back on the record.

Mr. Hunt. After the men were apprehended and I had gone over to the Howard Johnson Motel, I then went to the White House and took out $10,000 from the cash box. I put $1,500 in my own pocket, took $8,500, and after making a call from my Mullen Company office to Mrs. Barker in Miami to advise her of the situation, and to suggest she get in touch with Mrs.Caddy; I then went to Mr. Caddy's apartment and gave him $8,500. After he had secured an attorney named Rafferty, after many hours of telephoning members of his firm that might, or might not be available, I departed for my home.

I'm trying to keep it in the money context. On Monday, the 19th, I was told by Mr. Liddy that they wanted me to get out of town.

Mr. Lackritz. Now, Monday the 19th, when did you see Mr. Liddy?

Mr. Hunt. It was, I gather, around 11, 11:30 in the

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

morning. He called me and asked me to meet him down at the corner by the USIA Building, which is about 19th and Pennsylvania Avenue.

It was very mysterious, we walked, and he talked; and he said, "We want you to get out of town right away", and I expressed surprise at that.

I said, "Well, what is the purpose, where do you want me to go", and he said, "Well -- I said, "What excuse would I have for going". He said, "Well, your wife is in Europe, why don't you go over and visit her for a while, spend the rest of the summer over there, it's a free vacation".

I said, "Well, I still have two children here in the United States"; so we went on in that vain [sic] and it had been decided. He wasn't specific as to who had instructed him to get in touch with me, but he said, "All expenses will be paid, everything will be taken care of"; and I said, 'What I need right now is an attorney, you know, he has been out to visit me; I communicated with him telephonically over the weekend."

I went home in due course and began packing, and within a period of 45 minutes --

Mr. Lackritz. Before you get into that, when you met with Mr. Liddy on the street corner he said "they wanted you to get out of town", who were "they"?

Mr. Hunt. I assumed it to be the Mitchell, Magruder, Dean group, whom I identified as the principals.

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

Mr. Lackritz. You identified these individuals that you just named as being Mr. Liddy's principals?

Mr. Hunt. Yes.

Mr. Lackritz. I see. Did you ask Mr. Liddy specifically who "they" were?

Mr. Hunt. No, I did not at that time. We, both of us, were in a pretty emotional state at that point, and he felt it was imparative[sic], he was relaying instructions to me to get out of town. I resisted that instruction, I wanted legal representation.

He overcame my reluctance and I said, "All right, I've got a pretex [sic] for going up to New York over night - in fact I did have a conference slated for the following day in New York. So, I went up to New York and telephoned my wife in London the following day -- oh, it was after I got home that Mr. Liddy rescinded the order. I was just about packed, though I had no intention of going abroad; I didn't actually take my passport out of the drawer.

I said, "Well, I'm very concerned over the mental processes, or the rationale of people who tell me to get out of town, nothing else will do; and suddenly, 45 minutes later, the order is rescinded."

I said, "What I'm going to do, you persuaded me that there may be a reason for me to get out of town." I said, "I've already told my employer I'm going out of town, so I'm in

Indistinct document retyped by
House Judiciary Committee staff

Mr. DASH. Now, did you hear from Mr. Liddy during this period of time?

Mr. HUNT. What period of time?

Mr. DASH. Shortly after, around June 19 or around that time?

Mr. HUNT. Yes, sir, I did.

Mr. DASH. What, if anything, did he tell you?

Mr. HUNT. Toward midday on the 19th, I got a telephone call from him at my Mullen Co. office saying that he needed urgently to meet me. We met at the corner of the USIA building, which I believe is at 17th and Pennsylvania Ave. We met, walked around the block. During the course of the conversation, he told me that it was necessary for me to get out of town, that "they" wanted me to get out of town.

Mr. DASH. Did he indicate who "they" were?

Mr. HUNT. Not at that time.

Mr. DASH. Then, was it a fact that that particular order was rescinded?

Mr. HUNT. He told me that it was.

Mr. DASH. Now, in fact, you did leave Washington, did you not?

Mr. HUNT. I did.

Mr. DASH. And did you ultimately go to California?

Mr. HUNT. I did.

Mr. DASH. At that time, did you make arrangements to obtain Counsel?

Mr. HUNT. I obtained local counsel in California, but not Washington counsel.

Mr. DASH. Well, in California, who did you meet, what California counsel?

Mr. HUNT. I was staying at the home of an attorney, an old friend named Morton B. Jackson. Mr. Liddy appeared out there unannounced on June 21. I reiterated my request to him that he or somebody obtain counsel for me in the Washington area. Mr. Liddy gave me $1,000 and said, this will help with Jackson.

I thereupon gave the $1,000 in cash to Mr. Jackson, retaining him as my counsel on the west coast.

Mr. DASH. And did Mr. Jackson refer you to any Washington lawyer?

Mr. HUNT. In due course, he did.

Mr. DASH. Yes, and what lawyer was that?

Mr. HUNT. He referred me some time later to two attorneys, neither of whom were known to, I believe, either Mr. Jackson or myself. Simply through an alphabetical process, I decided to retain, to inquire of Mr. Bittman whether or not he would be interested in representing me.

Mr. DASH. And did you retain Mr. William Bittman?

Mr. HUNT. I did.

Mr. DASH. And when did you first meet Mr. Bittman in Washington?

Mr. HUNT. On the night of July 3.

Mr. DASH. What was your understanding, Mr. Hunt, concerning legal fees and support of your family that you would receive? What general understanding did you have?

Mr. HUNT. At the time Mr. Liddy appeared at the home of Mr. Jackson on June 21, I raised the question with him, as I had with

office, but our office also works 18 hours a day. I have got some very loyal, hard-working, dedicated people on my staff but they don't work in a vacuum. Every one of them knows what the other one is doing, and in our office we don't keep secrets from each other, and when something of importance arises that they think I, as a U.S. Senator from Georgia, ought to know, they don't conceal it. They bring it to me and inform me, and I can act on it intelligently and not in the dark.

Mr. Chairman, I yield the floor.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Thank you, Mr. Chairman.

On June 19, Mr. Ehrlichman, you had a meeting, I believe, with Mr. Colson and Mr. Dean. And there has been testimony here that there was some discussion at that meeting about instructions to Mr. Hunt to leave the country. Can you shed some light on this?

Mr. EHRLICHMAN. I believe I can, Senator. There were two other people at that meeting also, Mr. Kehrli, the staff secretary, and Mr. Clawson. I think the first time I heard this story about getting Hunt out of the country, and I take it that is what you are referring to, was sometime this year, either late in March or early in April, when Mr. Dean in my office told me I had said that. He said very dramatically,

I went to that telephone over there to the corner of your office and I picked it up and called somebody and sent Hunt out of the country and you remember that just a half hour later we decided that we shouldn't do that and I went back and called it off.

Senator GURNEY. When did this meeting occur?

Mr. EHRLICHMAN. Dean is recounting this to me this year.

Senator GURNEY. Yes.

Mr. EHRLICHMAN. Sometime late March, early April, someplace in there. I said, "John, I don't think that ever happened. When is that supposed to have happened?"

He said, "That was at the meeting where we talked about Hunt and his plight and his safe and you remember that."

And I said, "No, sir, I sure don't."

Now, coming off of that encounter, I thought it was a dead issue until after the President had talked with Henry Petersen around April 15, someplace in there, and the President then said to me, "The prosecutor says you tried to get Hunt out of the country."

And I said, "No, sir."

Now, I called Mr. Kehrli and I called Mr. Clawson and I called Mr. Colson, and I said, "What do you remember about this meeting, this is supposed to have happened?"

Senator GURNEY. This is after you and Dean had your confrontation.

Mr. EHRLICHMAN. And after I had been informed that he had apparently given this story to the prosecutor. And each of them, Kehrli and Clawson said, no. Clawson said first, "What do you want me to remember" or something to that effect, and I said, "I want you to remember everything that happened four square because this is something I am drawing a plan on."

And he said, "It didn't happen as far as I can recall."

But anyway I got to Mr. Colson and he said, "That didn't happen in your office, that happened in my office." And he said, "I had a conversation with John Dean about that and I told John Dean, 'For good-

ness sakes, if you try to send Hunt out of the country turn it off. It is a dumb idea.' And he did."

Senator GURNEY. How did Colson know that Dean had tried to tell Hunt to get out of the country or told him to get out of the country?

Mr. EHRLICHMAN. Because Colson said, "He tried to peddle that story to me."

Senator GURNEY. When did he try to peddle that story?

Mr. EHRLICHMAN. He didn't tell me. But then in checking around a bit I discovered that in this time era, Mr. Dean was apparently salting the mine a little bit. He was getting around and suggesting events to different people. He did the same thing with Mr. Haldeman, I understand, and these——

Senator GURNEY. On the Hunt again?

Mr. EHRLICHMAN. No; this was on something else, and I can't remember what it was but I just remember Haldeman saying, "Well, that happened, you know he was in here peddling one of these stories to me."

Senator GURNEY. This is all during the period of March and April, somewhere in there.

Mr. EHRLICHMAN. This was after the Camp David attempt by Mr. Dean to collect his thoughts.

Senator GURNEY. I see.

Mr. EHRLICHMAN. And so, anyway, Colson told me this, and that concluded the matter as far as I was concerned in corroborating my absence of any recollection of such a thing having happened. But apparently there was a pattern through those weeks of Dean trying to assert these sort of antics to the landmark across the landscape.

Senator GURNEY. Did you go back to Dean after that and say, "I checked this story on you and it never happened. Why are you telling me this?"

Mr. EHRLICHMAN. No; by that time Mr. Dean and I were not communicating with one another.

Senator GURNEY. What other things did he try to peddle, to whom?

Mr. EHRLICHMAN. Other than this particular tale to Mr. Colson and me and the one about Mr. Haldeman which I am sorry to say I can't recall. The deep-six business of the disposal of the document was also given to the prosecutors and came back to me the same way. That he did not try to plant on me that I can recall.

Senator GURNEY. Why would he plant the Hunt story, I mean what purpose would that serve?

Mr. EHRLICHMAN. I confess, I don't know except—well, this is really remote, but I do understand that in fact Mr. Dean did make the call to have Hunt leave the country, and like some other episode that we discussed the other day he has tried apparently to tie events of that kind to someone else's authority.

Now, I don't know the date of the actual call but I have heard and, as I say this is really secondhand, that Hunt got such a call, either got it from Dean or on Dean's say-so and it's a little bit like the McCord-Caulfield situation, he is tying it back to me.

Senator GURNEY. As far as you are concerned you never gave him that instruction?

Mr. EHRLICHMAN. Correct.

Senator GURNEY. At this June 19 meeting or any other meeting?

Mr. EHRLICHMAN. That is correct.

16.5 TRANSCRIPT OF EHRLICHMAN/CLAWSON CONVERSATION, SSC EXHIBIT NO. 108, 7 SSC 3009

EXHIBIT No. 108

Conversation with Ken Clawson

C. Clawson.
E. Ehrlichman.

E. You called me?
C. No I didn't call you.
E. I'm sorry. I got a message at home to call you. I'll be jiggered. Is this Ken Clawson.
C. Unless it was Jim Clawson.
E. Couldn't have been. Isn't that strange. Gee I hope I didn't wake you up.
C. I'm out of it with this damn cold.
E. Oh, that's too bad. While I have you could I ask you something. I'm awfully sorry to bother you. You may recall a meeting in my office which I think you sort of convened to talk about a press report during the Watergate aftermath, when it broke, a press report about Hunt's safe being in the White House. And you and Chuck and Bruce Kehrli came up here and met with Dean and me to talk about what you know what our response should be and so forth. Do you remember that?
C. Vaguely. I remember better an earlier meeting in which the question was should we give out Hunt's dates of employment and what Charley's role was in hiring him.
E. Yeah. Well, this focuses particularly on what we ought to do about the contents of the safe, what we ought to say to the press, what we ought to do about Hunt and so forth. Do you have any present recollection of that?
C. A vague memory, yeah, but I don't recall any of the details of it.
E. Well, it's interesting because Dean who as you know has talked to the U.S. Attorney at great length, cites some comments of mine in that meeting as evidence of corrupt attitude on my part and I'm looking for anybody who can help me to recall what took place there.
C. That's a helluva note, John.
E. I agree.
C. If you want me to be forthwith and straightforward with you, I'll recollect anything you want me to.
E. Well, no, let me, let me tell you what my problem is and then you can . . . I've got to tell what I recall and what I don't recall. He alleges that I said two things at that meeting. One that we ought to deep six the contents of the safe, quote, unquote. And, two, that we ought to get Hunt to leave the country.
C. Oh, I could . . . listen, John, if anything like that. If either one of those two things were said that would be vivid in my mind.
E. I would think so. I would think so.
C. And that's objectively.
E. Now, in point of fact, Dean phoned Liddy and asked Liddy to have Hunt leave the country.
C. That's new news to me.
E. Yeah, but you see this . . . and what he's doing is saying well I was just being a good German and carrying out orders.
C. No, I would have absolutely no trouble in remembering either one of those two things had that been said.
E. Well, OK.
C. I would just remember that.
E. Yeah, that's a fairly dramatic event. OK, thank you very much. Awfully sorry to have bothered you. I just don't understand.
C. If there's anything I can do in this thing, please let me . . .
E. I will. I will. Thank you, Ken.

EXHIBIT No. 109

Conversation with Chuck Colson, April 17, 1973.

C. Colson.
H. Holly Holm (Colson's secretary).
E. Ehrlichman.

E. Hello.
H. Hello, Mr. Colson's office.
E. Yes, this is John Ehrlichman.
H. Hi, Mr. Ehrlichman.
E. Mr. Colson in?
H. Yes, just a minute please.
C. Hello.
E. Hi.
C. Hi, John. I'll be over about 11 if that's convenient.
E. Fine, that's very good.
C. Two quick questions, though. One thing I should tell you is that our great find last night really started accelerating. Something coming out this morning. Dean involved. Now I notice the LA Times has it this morning but the people that Shapiro has been getting information from, you know, the town is buzzing with, is alive with the story, so I don't think we have a helluva lot of time.
E. All right.
C. I just thought I'd let you know that.
E. I appreciate it.
C. Did he, when he went over there, was he given any immunity?
E. Not yet.
What they've done, apparently.
C. They shouldn't give it to him.
E. I know it. What they said to him is that unless he turns up corroborated evidence against Haldeman and me.
C. Is that who he's trying to make?
E. Sure.
C. Who, Dean is?
E. Yep.
C. That's John Mitchell again. Son of a bitch.
E. Unless he does that he doesn't get immunity. Now my grapevine tells me that you are going to be summoned over there today.
C. Oh, really?
E. Yep. And that they're going to ask you about a meeting in my office which Dean has highlighted as the central gemstone in the case against me and so just in case you get hauled over there before 11 o'clock, maybe I'd better tell you about it. It was a meeting that Kehrli, Clawson, you, Dean and I had here.
C. I wasn't there.
E. In my office.
C. I was not there. Dean tried this one out on me Friday night, and I said the only thing I can ever recall, John, is I once told you I thought it was a stupid, god-damn thing for Hunt to be unavailable.
E. Well, that's the meeting where supposedly I ordered him to tell Hunt to leave the country.
C. Never heard that. And I will SO state under oath.
E. Or that I admonished everyone that we ought to figure out some way to deep six the contents of Hunt's safe.
C. No. No way. I was the one who said go get Hunt's safe and be sure it's preserved for the FBI.
E. Right.

C. A. and B it's stupid to get another country. But that was in my office, not yours. And you weren't present.
C. I can handle that one easily.
E. But you were not in a meeting here?
C. Well, I may have been but I sure don't remember that.
E. That's the way. OK.
C. All right? I can handle that.
E. Thank you, I'll see you at 11.
C. There's a couple of things you and I need to do to protect each other's flank here but we'll talk about that, but no, I'm serious.
E. Fair enough.
C. Let's get it clearly understood that son of a bitch doesn't get immunity. I want to nail him.
E. Well I'm doing my best.
C. No, I want to nail him. I'll take immunity first.
E. OK.
C. All right?
E. All right.
C. Thanks.

35-780 O - 74 - 15

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA v. JOHN N. MITCHELL, HARRY R. HALDEMAN, JOHN D. EHRLICHMAN, CHARLES W. COLSON, ROBERT C. MARDIAN, KENNETH W. PARKINSON, and GORDON STRACHAN, Defendants.	Criminal No. 74- 110 Violation of 18 U.S.C. §§ 371, 1001, 1503, 1621, and 1623 (conspiracy, false statements to a government agency, obstruction of justice, perjury and false declarations.)

FILED
MAR 1 1974
JAMES F. DAVEY, Clerk

INDICTMENT

The Grand Jury charges:

Introduction

1. On or about June 17, 1972, Bernard L. Barker, Virgilio R. Gonzalez, Eugenio R. Martinez, James W. McCord, Jr. and Frank L. Sturgis were arrested in the offices of the Democratic National Committee, located in the Watergate office building, Washington, D. C., while attempting to photograph documents and repair a surreptitious electronic listening device which had previously been placed in those offices unlawfully.

2. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, a department and agency of the United States, and the Central Intelligence Agency was an agency of the United States.

3. Beginning on or about June 17, 1972, and continuing up to and including the date of the filing of this

of Columbia, both prior to and subsequent to the return of the indictment on September 15, 1972.

(f) The conspirators would make and cause to be made offers of leniency, executive clemency and other benefits to E. Howard Hunt, Jr., G. Gordon Liddy, James W. McCord, Jr., and Jeb S. Magruder.

(g) The conspirators would attempt to obtain CIA financial assistance for persons who were subjects of the investigation referred to in paragraph three (3) above.

(h) The conspirators would obtain information from the FBI and the Department of Justice concerning the progress of the investigation referred to in paragraph three (3) above.

18. In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the District of Columbia and elsewhere:

OVERT ACTS

1. On or about June 17, 1972, JOHN N. MITCHELL met with ROBERT C. MARDIAN in or about Beverly Hills, California, and requested MARDIAN to tell G. Gordon Liddy to seek the assistance of Richard G. Kleindienst, then Attorney General of the United States, in obtaining the release of one or more of the persons arrested in connection with the Watergate break-in.

2. On or about June 18, 1972, in the District of Columbia, GORDON STRACHAN destroyed documents on the instructions of HARRY R. HALDEMAN.

3. On or about June 19, 1972, JOHN D. EHRLICHMAN met with John W. Dean, III, at the White House in the District of Columbia, at which time EHRLICHMAN directed Dean to tell G. Gordon Liddy that E. Howard Hunt, Jr., should leave the United States.

4. On or about June 19, 1972, CHARLES W. COLSON and JOHN D. EHRLICHMAN met with John W. Dean, III, at the White House in the District of Columbia, at which time EHRLICHMAN directed Dean to take possession of the contents of E. Howard Hunt, Jr.'s safe in the Executive Office Building.

5. On or about June 19, 1972, ROBERT C. MARDIAN and JOHN N. MITCHELL met with Jeb S. Magruder at MITCHELL's apartment in the District of Columbia, at which time MITCHELL suggested that Magruder destroy documents from Magruder's files.

6. On or about June 20, 1972, G. Gordon Liddy met with Fred C. LaRue and ROBERT C. MARDIAN at LaRue's apartment in the District of Columbia, at which time Liddy told LaRue and MARDIAN that certain "commitments" had been made to and for the benefit of Liddy and other persons involved in the Watergate break-in.

7. On or about June 24, 1972, JOHN N. MITCHELL and ROBERT C. MARDIAN met with John W. Dean, III, at 1701 Pennsylvania Avenue in the District of Columbia, at which time MITCHELL and MARDIAN suggested to Dean that the CIA be requested to provide covert funds for the assistance of the persons involved in the Watergate break-in.

White House.

Q In what context did that interest express itself?

A He said a friend of his had developed a device, which, as he described it, was very, very sophisticated in the realm of electronic surveillance. He said it could be attached to a piece of furniture, that it was voice actuated so that the batteries or whatever power source it had would be preserved and that it was invulnerable to an electronic sweep and suggested that maybe some of our clients would be interested in knowing about the existence of this device. If they were, he said he could introduce them to the individual who had developed it. I checked and none of our clients had any interest in it.

Q Did he ever show you one of these devices?

A No.

Q Did he ever show you any kind of electronic equipment?

A No.

Q When was the first time after June 17, 1972, when you saw Mr. Hunt?

A The following Monday morning when I got to work.

Q Was he already there?

A Yes.

Q What time did you get to work that morning?

A I can't recall specifically. 9:00, 9:15.

Q Prior to this conversation with Mr. Gregory on that Wednesday, had you had any indication of any of the kinds of work that Mr. Hunt was doing?

A Only that he was involved in the campaign.

Q You had no indication then that his work may have involved bugging, wiretapping and the like?

A No.

Q On Monday, the 19th, when you saw Mr. Hunt, did you have any discussion with him then concerning the problem that Tom Gregory was having?

A No.

Q Did you raise the question with him?

A No.

Q Did you have the opportunity on that Monday to discuss that problem with him?

A I suppose I did, but, that not being the principal item of concern that day, I didn't think to bring it up.

Q The principal item that day was the newpaper reports, the stories about the Watergate break-in?

A That's correct, plus the fact that there were two FBI agents that came to the office to see Mr. Hunt. That kind of cleared everything else away.

Q What time did those FBI agents get there?

A Around noon.

Q Prior to noon, you talked to Mr. Hunt, but he did not want to discuss anything; is that correct?

A That's correct.

Q You did not take that opportunity at that time to discuss Mr. Gregory's problem?

A That's correct.

Q What did Mr. Hunt do at the office that morning?

A I don't know. I had a very busy morning, which was why I couldn't take the time to probe with him further and spent the morning in my own office working on my own problems.

Q Did Mr. Hunt remain at the office all day?

A No. As I left for lunch, he joined me on the elevator saying that he was going out to his oculist to get his glasses and that he might not be back that afternoon, the oculist shop being in Rockville. When I got back from lunch, the FBI agents were there and Howard was not.

Q Did you go to lunch with Mr. Hunt?

A No.

Q You simply left the building together; is that correct?

A Yes, that's correct. He came back later that afternoon and I told him that the FBI was looking for him.

Q What did he say?

A He said, "I have no reason to talk to them." "I don't have to talk to them," I think was his exact phrase.

Q Did he again leave the office that afternoon?

A Yes, he did.

Q Thereafter, did you receive any telephone calls from anyone?

A Yes. Gordon Liddy called.

Q About what time did Mr. Liddy call?

A I would guess this would be in the late afternoon. 3:30 or 4:00 o'clock.

Q On what telephone did Mr. Liddy call?

A He called through the regular switchboard. That is, through the regular phone system.

Q How busy was Mr. Hunt's private telephone that afternoon while he wasn't there?

A I do not know.

Q What did Mr. Liddy want to do? Did he want to talk to Mr. Hunt?

A Yes.

Q Did you speak with Mr. Liddy?

A Yes.

Q Did he ask to speak to you after he found out that Mr. Hunt was not present?

A I believe so. Again, that would have been handled by the secretary.

Q What was the nature of the conversation?

A He wanted to know where Howard was.

Q What did you tell him?

A I told him that as far as I knew Howard was at home, that he had left the office telling me that he had planned to leave town until the concern about the Watergate had blown over and that he was going home to pack.

Q Did that satisfy Mr. Liddy?

A Mr. Liddy said, "Will you get in touch with him and tell him that the signals have changed and he's to stay put." I called Mr. Hunt's home and gave him that message, whereupon he commented, "I wish they'd make up their minds."

Q You called him at home and he was at home at that time

A That's right.

Q Approximately what time was that?

A That would be in the afternoon immediately after the call from Gordon.

Q Give us that time.

A 3:30 or 4:00 o'clock.

Q Did you have any further conversation that day or that night with Mr. Hunt or Mr. Liddy?

17. On the evening of June 19, 1972 John Mitchell met at his apartment in Washington, D. C. with John Dean, Jeb Magruder, Robert Mardian and Fred LaRue and discussed the break-in at the DNC headquarters.

Page

17.1 John Mitchell testimony, 4 SSC 1622.....224

17.2 Jeb Magruder testimony, 2 SSC 799-800.....225

17.3 Robert Mardian testimony, 6 SSC 2355.....227

17.4 Fred LaRue testimony, 6 SSC 2303-04.....228

being because I have never quite got to the bottom of it, was after Mr. Mardian and Mr. LaRue had met with Mr. Liddy and Mr. Liddy provided them with quite an extensive story on Mr. Liddy's activities.

Mr. DASH. Will you tell us briefly what that extensive story included?

Mr. MITCHELL. Well, it included the fact that he was involved with other individuals in the Watergate activity, that he had also made surveillance of McGovern headquarters, I believe it was, and that he had previously, as part of what has since become known as the Plumbers group, acted extensively in certain areas while he was at the White House in connection with the Ellsberg matter, in the Dita Beard matter and a few of the other little gems.

Mr. DASH. When you say the Ellsberg matter what specifically are you referring to?

Mr. MITCHELL. Well, I am referring to, well, it certainly wasn't the prosecution.

Mr. DASH. No.

Mr. MITCHELL. Obviously it had to do with the surreptitious entry of the doctor's office in California.

Mr. DASH. And when you refer to the Dita Beard matter what specifically did you learn through Mr. LaRue and Mr. Mardian?

Mr. MITCHELL. Well, if my recollection is correct he was assisting in spiriting her out of wherever they spirited her out of, either New York or Washington.

Mr. DASH. Was there a meeting in your apartment on the evening that you arrived in Washington on June 19, attended by Mr. LaRue, Mr. Mardian, Mr. Dean, Mr. Magruder——

Mr. MITCHELL. Magruder and myself, that is correct.

Mr. DASH. Do you recall the purpose of that meeting, the discussion that took place there?

Mr. MITCHELL. I recall that we had been traveling all day and, of course, we had very little information about what the current status was of the entry of the Democratic National Committee, and we met at the apartment to discuss it. They were, of course, clamoring for a response from the committee because of Mr. McCord's involvement, et cetera, and we had quite a general discussion of the subject matter.

Mr. DASH. Do you recall any discussion of the so-called either Gemstone files or wiretapping files that you had in your possession?

Mr. MITCHELL. No; I had not heard of the Gemstone files as of that meeting and, as of that date, I had not heard that anybody there at that particular meeting knew of the wiretapping aspects of that or had any connection with it.

Mr. DASH. Did either you or anybody in your presence at that meeting discuss Mr. Liddy having a good fire at his house?

Mr. MITCHELL. Not in my recollection was there any discussion of destruction of documents at that meeting.

Mr. DASH. You are aware of the testimony of Mr. Magruder that he did get the idea to destroy the documents and he did in fact burn the Gemstone documents?

Mr. MITCHELL. I am aware of his testimony and I think his testimony was one of these general things "It was decided that" or something to that effect but, to my recollection, there was no such discussion of it.

since this break-in was done in a rather amateurish way, that possibly there was some double-agent activity going on here, and we were honestly concerned about our own files.

I did ask Mr. Reisner to remove certain files—my advertising file, the budget file, our strategy file, and the Gemstone file. Then I talked with him and Mr. Odle, and Mr. Odle took the Gemstone file home.

Mr. DASH. Did you talk to anybody else from California?

Mr. MAGRUDER. Well, yes, I talked to Powell Moore, as I recall. I cannot recall any other specifically——

Mr. DASH. Did you call Mr. Strachan?

Mr. MAGRUDER. Oh, yes, I called Mr. Strachan that evening.

Mr. DASH. What did you tell Mr. Strachan?

Mr. MAGRUDER. I told him—of course, he knew no more than we knew. He knew that they had been apprehended, and we had a problem and just discussed in a sense that we had a problem, and we did not quite know what to do about it. At that time, we had heard that there was some money at that time found on the individuals, and we had hoped that it was money that had been found at the Democratic National Committee, but unfortunately, it was our money. So we, in effect, just discussed the problem. We had no answers, obviously, at that time.

Mr. DASH. Did you receive a call from Mr. Haldeman?

Mr. MAGRUDER. Yes. The next morning, on Sunday, I received a call from Mr. Haldeman. He asked me what had happened. Again, I told him basically——

Mr. DASH. From where was he calling?

Mr. MAGRUDER. Key Biscayne, Fla.

He just asked me the basic background of the break-in and what had happened. I just told him what had happened. He indicated that I should get back to Washington immediately, since no one in any position of authority was at the committee, and to talk with Mr. Dean and Mr. Strachan and Mr. Sloan and others on Monday to try to find out what actually had happened and whose money it was and so on.

Mr. DASH. Now, you did return to Washington?

Mr. MAGRUDER. Yes, I did.

Mr. DASH. And would you tell us briefly, but as specifically as you can, what you did as soon as you returned to Washington and who you met with?

Mr. MAGRUDER. Well, on Monday, I met with Mr. Dean, Mr. Strachan, Mr. Sloan, Mr. Liddy. Mr. Liddy and I did not really have too much to say to each other. He said he had goofed, and I accepted that on face value. There really was not much to discuss at that time.

I determined from Mr. Sloan that the money was our money, not someone else's money.

Mr. Dean and I discussed the problem in terms of what we were going to do as to Mr. Strachan and I.

Mr. DASH. Did you have a meeting on that evening, the evening of June 19, when you came back to Washington, in Mr. Mitchell's apartment?

Mr. MAGRUDER. Yes, Mr. Mitchell flew back that Monday with Mr. LaRue and Mr. Mardian. We met in his apartment with Mr. Dean. That would have been Mr. Mitchell, Mr. LaRue, Mr. Dean, Mr. Mardian, and myself; and the general discussion again was, what were we going to do about the problem? It was again, we had very little

information. We did not, of course, know what type of investigation would then be held. And we talked about types of alternative solutions.

One solution was recommended in which I was to, of course, destroy the Gemstone file. So I called my office and——

Mr. DASH. That solution came up as a result of that meeting?

Mr. MAGRUDER. Well, I think yes, it was generally concluded that that file should be immediately destroyed.

Mr. DASH. Now, as to Mr. Dean's participation, by the way, in these meetings, was Mr. Dean operating on his own, or what was your understanding of Mr. Dean's role at these meetings?

Mr. MAGRUDER. Mr. Dean was the person who had worked with us on many of these legal matters. He had brought Mr. Liddy to the meeting. He was a close associate of ours through Mr. Mitchell, and, of course, all of us knew Mr. Dean very well. And he was one person from the White House who worked with us very closely. It was very natural for Mr. Dean in this situation to be part of our meetings at this point in time because of his association and of his background.

Mr. DASH. And would he, from your understanding, be representing any White House interest at these meetings?

Mr. MAGRUDER. I think you would really have to ask Mr. Dean that question.

Mr. DASH. Now, did you instruct Mr. Reisner to destroy any other files?

Mr. MAGRUDER. As I recall, I asked Mr. Reisner to cull through my files, pull out any sensitive material that could be embarrassing to us. There was the suit that was placed against us by the Democratic National Committee that asked for immediate disclosure. As I recall, we all indicated that we should remove any documents that could be damaging, whether they related at all to the Watergate or not.

Mr. DASH. Mr. Sloan has testified before the committee, Mr. Magruder, that shortly after your return and after the break-in, that you asked him to perjure himself concerning the amount of money that Mr. Sloan had given Mr. Liddy. Could you state your own recollection of that discussion with Mr. Sloan?

Mr. MAGRUDER. Well, the first discussion—we had two meetings on Monday. The first meeting was when I determined from him that the money was our money, and we discussed that in his office. And he came up to my office, and in attempting to allay his concerns or to help him in some sense, give some advice, I think, we talked about what would he do about the money.

My understanding of the new election law indicated that he would be personally liable for cash funds that were not reported. These were not reported funds. So I indicated at that meeting that I thought he had a problem and might have to do something about it.

He said, you mean commit perjury? I said, you might have to do something like that to solve your problem and very honestly, was doing that in good faith to Mr. Sloan to assist him at that time.

Now, later we met three times, twice that week and once after he returned from his vacation. That was on the subject of how much money had been allocated to Mr. Liddy. Now, I, in thinking of about 7 months from the time we authorized the funds to the time of the November election, I thought that Mr. Liddy should have received

I am very much gratified by this information. I think the information will enable the committee to expedite its investigation, and I think it was a very wise decision on the part of the President.

Senator BAKER. Mr. Chairman, may I join in expressing my great delight at the decision of the President communicated to you by Secretary Shultz. I want to commend you as well as the members of the committee for handling this matter in a way that permitted this accord and this agreement to take place. The committee, I believe, forebore from trying to create a legal confrontation that might have jeopardized the possibility of negotiating a settlement to this controversy. It would appear that the White House has shown its spirit of cooperation and response.

I have nothing but commendation for the committee, especially for the chairman and for the President, in negotiating a rather delicate situation involving the most fundamental concept, that is, the doctrine of separation of powers, in a way that avoided a confrontation and will apparently give this committee access to relevant parts of extremely important information bearing on critical features of this inquiry.

Thank you.

Senator ERVIN. I would like to take this occasion to add these words. I do not believe that any investigating committee in the history of the Congress has been able, as we have been thus far, to investigate such highly controversial matter as we have been investigating with such unanimity of agreement among the committee members as to the steps to be taken, and with more wonderful cooperation on the part of all the members of the committee.

Counsel may resume the interrogation of the witness.

Mr. HAMILTON. Mr. Mardian, when we broke for lunch we were discussing the meeting in Mr. Mitchell's apartment on the evening of June 19, and I would like to return to that in my questioning.

Who was present at that meeting?

Mr. MARDIAN. Based upon my reconstructed recollection, I would say Mr. Mitchell, Mr. Magruder, Mr. Dean and, I believe, there was one PR person present from the office of public information; I am not sure of that.

Mr. HAMILTON. Was Mr. LaRue at that meeting?

Mr. MARDIAN. Mr. LaRue.

Mr. HAMILTON. Now, is there a possibility that the PR person, the press spokesman, actually met the party at the airport and did not return to Mr. Mitchell's apartment?

Mr. MARDIAN. It is possible because I do not have a very clear recollection of that meeting.

Mr. HAMILTON. Would you give us, to the best of your recollection, the topics that were discussed at this meeting?

Mr. MARDIAN. The only two things I recall of that meeting is that there was a need for a statement from the office of public information for Mr. Mitchell. I do not recall discussing it or participating in it. I do not recall what the event was. I recall discussing the need for obtaining the resources of a law firm, because I believe it was announced that day, or we were informed that night, that a lawsuit was going to be filed the next morning by the Democratic National Committee against the Committee To Re-Elect the President. And my best recollection is that there was a discussion as to who we should retain.

Mr. LaRue. As I recall, Mr. Thompson, it would be, that would be, on Tuesday or Wednesday.

Mr. Thompson. All right, the 30th was on a Thursday. The following Tuesday or Wednesday. All right. What did you do when you returned? Did you resume your duties at the Committee To Re-Elect, did you go into the office the first day you returned, did you take a little more time off? What did you do?

Mr. LaRue. No, I resumed my duties.

Mr. Thompson. All right. Do you recall when the first time you saw Magruder was after you returned?

Mr. LaRue. I would assume certainly that day.

Mr. Thompson. Let me ask you this. In discussing the matter with Magruder, is it your understanding either from what he told you or from your own independent recollection that this telephone call came before or after March 30?

Mr. LaRue. I cannot relate it to that timeframe but any particular timeframe, but since the call allegedly involved the approval of the Liddy budget I would assume that it came after or——

Mr. Thompson. If we are following logic and it did have to do with the Liddy budget it would be before?

Mr. LaRue. It would be prior; yes, prior to the Key Biscayne meeting, yes, sir.

Mr. Thompson. All right. Did Magruder tell you whether or not he remembered that it had come before?

Mr. LaRue. I do not recall that kind of discussion, Mr. Thompson.

Mr. Thompson. It is not exactly a completely unrelated sequence of events. It looks like in reconstructing this matter if there was outside pressure that perhaps caused him to go down to Key Biscayne, that would be significant. If, on the other hand, this was a conversation which took place 5 or 6 days after the plan had already been put into effect, it would have completely different significance, I would think.

Mr. LaRue [conferring with counsel]. Mr. Thompson, I think my testimony before, to Mr. Dash, was that my recollection of this conversation occurred after—that this conversation occurred after the June 17 break-in. It was related——

Mr. Thompson. The conversation with Magruder when you were talking about the phone call?

Mr. LaRue. Yes, sir. In relating to speculation as to who may have been involved and who may have had knowledge of the break-in, and Magruder related this phone call indicating that Mr. Colson had been concerned about Mr. Liddy's budget being approved, and I do not recall any discussion on the time period when the call was made.

Mr. Thompson. You do not know whether it came before or after March 30?

Mr. LaRue. No, sir, I do not.

Mr. Thompson. This meeting of June 19, there is a conflict of testimony on this point. Mr. Mitchell and Mr. Dean have both testified that there was no discussion, as far as they can remember, of the destruction of any records or burning anything. Magruder has testified and you have testified that such a discussion did take place. Now, the four of you were there, plus Mr. Mardian. Let us talk about that in a little more detail. Did you arrive there together?

Mr. LaRue. As I recall, we did not.

Mr. Thompson. Do you recall who arrived first, when you arrived?

Mr. LaRue. I went to the apartment with Mr. Mitchell from the plane. My best recollection is that Mr. Mardian and his wife got off at their apartment, which was a couple of blocks before you get to the Watergate, and so to reconstruct the sequence of events, I would say I arrived with Mr. Mitchell and then later in the evening the other participants arrived, and I could not specifically say in what order and what time period.

Mr. Thompson. Do you know who arrived last?

Mr. LaRue. No, sir, I do not.

Mr. Thompson. Was there any substantive discussion about what you were to do and the problem that you had before all the participants arrived?

Mr. LaRue. Mr. Thompson, I have a very hazy recollection of that meeting. In fact, were it not for the thing that sticks in my mind, the statement about "you might have a good fire," if it were not for that, I do not think I could recall any details of that meeting at all.

Mr. Thompson. Do you recall who was present when that statement was made?

Mr. LaRue. No, I do not.

Mr. Thompson. I realize this is a difficult thing for you to have to go back to do, Mr. LaRue, but these are matters, of course, we have to clear up if we can.

Let me ask you this, I believe you said after the break-in, you discussed this matter with Magruder. I take it that the first time you discussed it with him was after you discussed it with Liddy on the 20th, some time after that?

Mr. LaRue. Yes, sir, I am sure that is correct.

Mr. Thompson. All right. And Liddy had told you what with regard to who had gotten him involved and who was pushing him?

Mr. LaRue. I don't recall any specific statements or conversations by Liddy of who got him involved. As I recall Liddy's reasoning for the second entry of the break-in, in which they got caught, was that he had been getting pressure from Magruder to improve the surveillance, they weren't getting proper coverage under electronic surveillance.

Mr. Thompson. All right, then, the only person he mentioned as having applied any pressure to go back in the second time was Magruder.

Mr. LaRue. That is to the best of my recollection, yes.

Mr. Thompson. Did he mention Mr. Mitchell to you?

Mr. LaRue. No, sir, not that I recall.

Mr. Thompson. We have had testimony from Mr. McCord that Liddy was telling him that Mr. Mitchell had approved it—I mean that Mitchell was telling Liddy; Liddy was telling McCord that Mitchell was involved and had approved the project, but Liddy did not tell you that?

Mr. LaRue. Not that I can recall, no, sir.

Mr. Thompson. All right.

35-780 O - 74 - 16

18. On June 19, 1972 Ronald Ziegler, the President's press secretary, described the break-in at the DNC headquarters as "a third-rate burglary attempt."

Page

18.1 Washington Post, June 20, 1972, A1, A4.....232

White House Consultant Tied to Bugging Figure

By Bob Woodward
and E. J. Bachinski
Washington Post Staff Writers

A consultant to White House special counsel Charles W. Colson is listed in the address books of two of the five men arrested in an attempt to bug the Democratic National headquarters here early Saturday.

Federal sources close to the investigation said the address books contain the name and home telephone number of Howard E. Hunt with the notations, "W. House" and "W.H."

In addition, a stamped, unmailed envelope containing Hunt's personal check for $6 and a bill for the same amount from the Lakewood Country Club in Rockville also were found among the suspects' belongings, sources said.

Hunt worked for the Central Intelligence Agency from 1949 to 1970. All five suspects in what Democratic Party chairman Lawrence F. O'Brien has called an "incredible act of political espionage" have had links to the CIA.

In other developments yesterday:

• It was reported that one of the five suspects, Eugenio R. Martinez, contacted University of Miami officials two weeks ago seeking housing for about 3,000 Young Republicans during the Republican National Convention.

• Former CIA employee and FBI agent James W. McCord Jr., a suspect who worked for the Republicans as a security coordinator, served until four months ago in a special 15-member military reserve unit. The Washington-based unit develops lists of radicals and draws up contingency plans for censorship of the news media and U.S. mail.

• White House spokesman Ronald L. Ziegler told reporters in Florida with the President that he would not comment on "a third-rate burglary attempt." In addition Ziegler said that "certain elements may try to stretch this beyond what it is."

• Senate Democratic leader Mike Mansfield said he didn't think the Republican party had anything to do with the bizarre bugging incident.

• O'Brien said his party might take civil court action against the suspects because the party's First Amendment rights and civil rights were violated.

The White House personnel office confirmed yesterday that Hunt is a consultant to Colson and has an office in the old Executive Office Building. Colson is said to specialize in delicate assignments for the President.

See BUG, A4, Col. 1

White House Consultant Tied To Suspect in Bugging Case

BUG, From A1

Ken W. Clawson, current White House aide who until recently was a reporter, wrote in February, 1971, in The Washington Post that Colson had been "dubbed" as one of the "original back-room boys . . . the brokers, the guys who fix things when they break down and do the dirty work when it's necessary."

When Hunt was asked by a reporter yesterday why two of the suspects had his phone number, he said, "Good God!" He then paused and said, "In view that the matter is under adjudication, I have no comment." He then hung up the telephone.

Clawson, now deputy director of communications for the White House, said yesterday that Hunt worked as a White House consultant in declassification of the Pentagon papers and most recently on narcotics intelligence.

He said Hunt last worked for the White House on March 29, 1972, for a regular daily consultant fee. These fees are generally a $100 a day, other sources said.

"I've looked into the matter very thoroughly and I am convinced that neither Mr. Colson nor anyone else at the White House had any knowledge of, or participation in, this deplorable incident at the Democratic National Committee," Clawson said in a prepared statement.

Hunt is employed as a writer with the public relations firm of Robert R. Mullen & Co., 1790 Pennsylvania Ave. NW, directly across from both Mr. Nixon's re-election campaign headquarters and the main White House offices.

GET INSERT B

This was the sequence of events when a Washington Post reporter called the White House and asked to speak to Howard E. Hunt early yesterday:

A switchboard operator rang an extension, and when no one answered, she told the reporter: "There is one other place he might be—in Mr. Colson's office." She dialed Colson's office, where a secretary said, "Mr. Hunt is not here now." She then gave the reporter Hunt's number at the public relations firm across the street.

Hunt's name and phone number was in the pop-up address book of Eugenio Martinez, a real estate agent and notary public who has been active in the anti-Castro movement in Miami.

A small, black address book of one of the other suspects also has Hunt's name and phone number, the sources said.

Also taken by police was a savings account book that shows Martinez has $7,199 in a Miami bank, according to the sources.

Another name in one of the address books is that of James Grimm, head of housing for the University of Miami. Grimm yesterday told Post reporter Kirk Scharfenberg in Miami that Martinez contacted him about two weeks ago, seeking housing for about 3,000 Young Republicans during the Republican National Convention.

Grimm said he could not provide the rooms because classes would soon begin. Republican officials said they had no knowledge of Martinez's efforts to secure housing for Young Republicans.

Martinez works in the real estate agency of another of the suspects, Bernard L. Barker, who is said by Cuban exiles to have worked for the CIA since the Bay of Pigs invasion in 1961.

Baker is a joint investor in several apartment house developments in Miami with Miguel A. Suarez, a Republican who ran unsuccessfully for Dade County mayor in 1970.

In addition to Martinez and McCord, the other three suspects, all Miami residents, have been identified as: Frank Sturgis, also known as Frank Fiorini, an American who served in Fidel Castro's revolutionary army and has since been a leader in the anti-Castro guerrilla movement; Firgilio R. Gonzales, a locksmith; and Bernard L. Barker, a native American said by exiles to have worked on and off for the CIA.

McCord was still being held on $30,000 bond yesterday, and the other four on $50,000 bond.

They are charged with attempted burglary and attempted interception of telephone and other communication.

All five suspects, well-dressed, wearing rubber surgical gloves and armed only with tear gas pens, were arrested about 2:30 a.m. Saturday by D.C. police inside the sixth floor 29-office suite of the Democratic headquarters in the Watergate, 2600 Virginia Ave. NW.

Though the alleged bugging attempt at first appeared to be very sophisticated and professional, experts in the field of wiretapping have since said it was amateurish.

Capt. Richard L. Franz of the Navy reserves acknowledged that McCord was a member of the Office of Emergency Preparedness special analysis division, a 15-member reserve unit that meets monthly at 604 17th St. NW, across from the Executive Office Building.

Franz said he could not discuss the work of the unit. However, other sources in the unit said that one of its functions is to develop a list of radicals and contingency plans for censorship of the news media and U.S. mail in event of war.

McCord dropped out of the unit about four months ago. He is a lieutenant colonel in the Air Force reserves.

Meanwhile, the International Association of Chiefs of Police reported yesterday that they paid McCord about $750 in March for teaching a five-day course in security at an associaiton conference.

Robert F. Bennett, president of the public relations firm at which Hunt works, said yesterday that the firm also has an affiliate, called Interprogress, that is attempting to increase American trade with Communist countries.

Hunt worked for the White House a total of 63 days in 1971 and another 24 days so far this year, according to White House spokesman Clawson.

Hunt was brought into the White House by Colson because of his CIA expertise, Clawson said. He said Colson met Hunt in 1968 at the Brown University Club.

Former Attorney General John N. Mitchell, head of the Nixon campaign committee, said in a prepared statement released Sunday, that the Presiden's committee is experiencing its own security problems.

Pressed for elaboration on Republican security problems, DeVan L. Shumway, director of public relations for the committee, declined to give details yesterday. He said investigations are under way, but refused to disclose who was conducting them.

Syumway said that one of the things that led the committee to suspect a deterioration of security was an Associated Press tory last week that disclosed quotes from a closed-door meeting between Mitchell and a senior committee staff member.

The story alleging that the Republicans were "targeting in" on Sen. McGovern, was not true, Shumway said.)

Shumway said that as of yesterday morning, McCord was no longer on the committee payroll.

In response to a reporter's question, Shumway said that McCord had been hired through the committee's personnel office, whose director is Robert Odle.

Shumway said he would not make Odle available to a reporter "because he is not a public figure." Odle referred a reporter's questions to Shumway.

Shumway said that McCord was dismissed by Odle because of the allegations stemming from the "delicate situation." He said that it had been Odle's responsibility to make the original check of McCord's qualifications, and to make the decision to hire.

McCord had been working out of the committee's security office on the third floor, Shumway said. "I assume he was in the office on a daily basis," he said.

As security chief, McCord was responsible for setting up the committee's internal security system and "would have the knowledge of whether we were under electronic surveillance," Shummay said.

Meanwhile, security precautions at Republican committee headquarters have been tightened as a result of the Watergate bugging attempt, Shumway said. He demurred when asked for details of the new precautions.

"When you get into the area of political campaigns these days, you can't discuss such things (security) in depth," Shumway said.

Joseph A. Rafferty Jr., a counsel for the five suspects, said last night that he would file a motion in D.C. Superior Court today seeking to reduce the bail of his clients.

Rafferty said he is seeking to have the men released to the custody of a court-appointed "local person." The reduction, he said, would be in line with information about the suspects verified by bail bondsmen yesterday.

In New York, where he was campaigning for today's primary, Sen. McGovern said that the incident "is the legacy of years of wiretapping and snooping and invasion of privacy," in which the government has been involved.

McGovern said he had no evidence that would link the Republican party or its leaders to the weekend incident.

Contributing to this story were Washington Post Staff Writers Kirk Scharfenberg, Ron Shaffer and Martin Weil.

19. On June 20, 1972 at 9:00 a.m. H. R. Haldeman, John Ehrlichman and John Mitchell met to discuss the break-in at the DNC headquarters. John Dean joined the meeting at 9:45 a.m. Attorney General Kleindienst joined the meeting at 9:55 a.m. Later that day, Haldeman met with the President for one hour and nineteen minutes (11:26 a.m. to 12:45 p.m.) and the subjects discussed included Watergate. Haldeman's notes of the meeting reflect that that portion of their discussion dealt with checking an EOB office for bugs, a "counter-attack," "PR offensive to top this," and the need to "be on the attack -- for diversion." When a tape recording of the conversation was produced on November 26, 1973 in response to a subpoena by the Watergate Special Prosecutor, the recording contained an eighteen and one-half minute buzzing sound that obliterated the portion of the conversation reflected in the foregoing segment of Haldeman's notes.

Page

19.1 H. R. Haldeman calendar, June 20, 1972 (received from SSC) 237

19.2 John Ehrlichman log, June 20, 1972 (received from SSC) 238

19.3 John Mitchell log, June 20, 1972 (received from SSC) 239

19.4 H. R. Haldeman testimony, 8 SSC 3039-40.....240

19.5 John Ehrlichman testimony, 7 SSC 2822.....242

19.6 President Nixon's daily diary, June 20, 1972, Exhibit 13, In re Grand Jury, Misc. 47-73, 1-2.....243

19.7 Meetings and conversations between the President and H. R. Haldeman, June 20, 1972 (received from White House) 245

Page

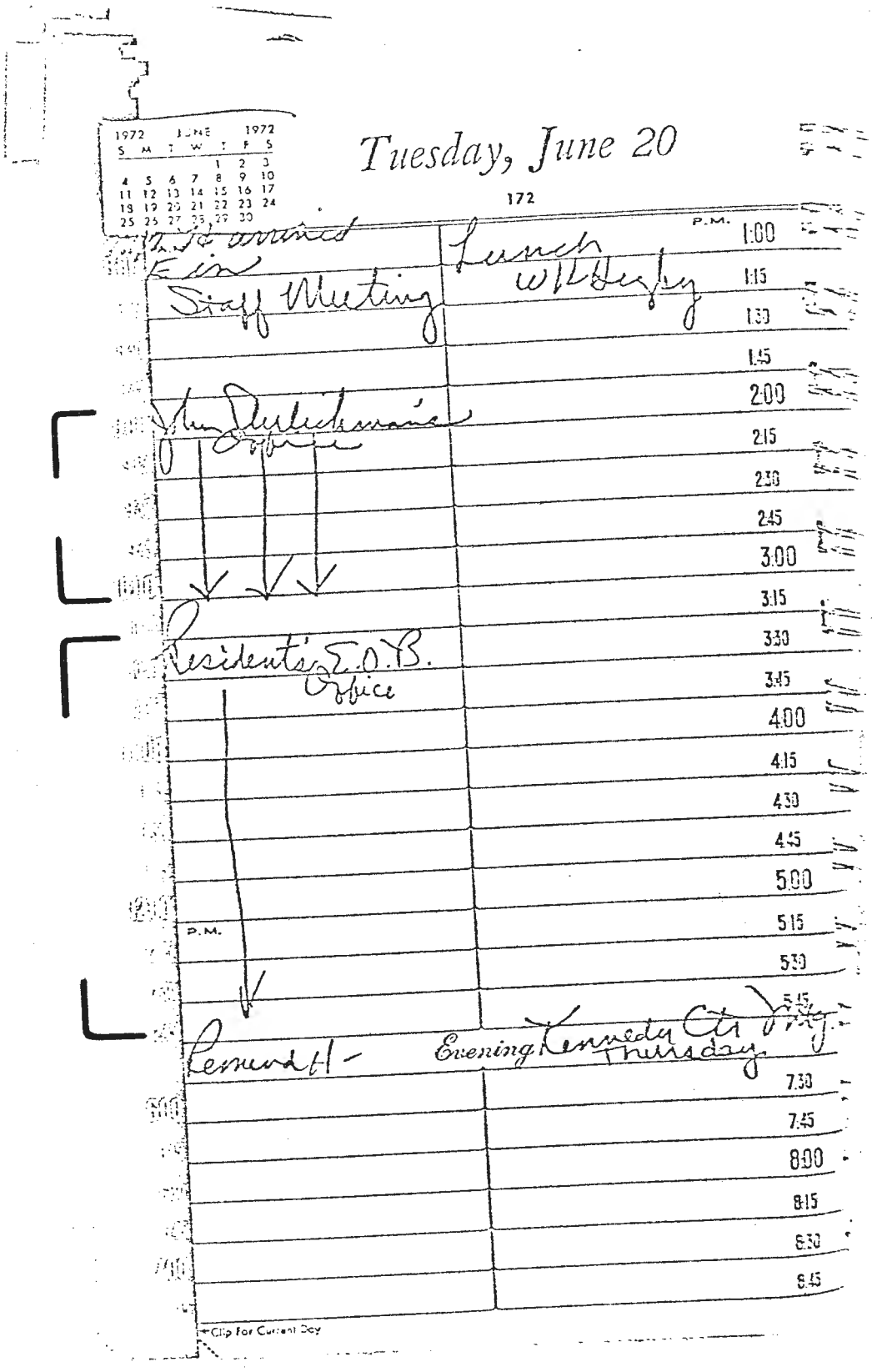
19.8 H. R. Haldeman handwritten notes of meeting, June 20, 1972, Exhibit 61, In re Grand Jury, Misc. 47-73.....246

19.9 J. Fred Buzhardt testimony, In re Grand Jury, Misc. 47-73, January 18, 1974, 2499-2500.....249

19.10 Report to Chief Judge John Sirica from Advisory Panel on the White House tapes, January 15, 1974.....251

19.11 Analysis, Index and Particularized Claims of Executive Privilege for Subpoenaed Materials, J. Fred Buzhardt, In re Grand Jury, Misc. 47-73, November 26, 1973, 1, 9.....257

19.12 Rose Mary Woods testimony, In re Grand Jury, Misc. 47-73, November 26, 1973, 1267-68.....259



1972 JUNE 1972
S M T W T F S
1 2 3
4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30

Tuesday, June 20

172

P.M.

1:00 Lunch w/ Dent
1:15
1:30
1:45
2:00 Staff Meeting
2:15
2:30
2:45
3:00 Office
3:15
3:30
3:45
4:00 President's E.O.B. Office
4:15
4:30
4:45
5:00
5:15
5:30
5:45
6:00 Leave at 6 - Evening Kennedy Ctr Thursday
6:15
6:30
6:45
7:00
7:15
7:30
7:45
8:00
8:15
8:30
8:45

Clip for Current Day

FRIDAY, JUNE 16, 1972

8:00	HRH office
8:30	Cabinet meeting
10:20	President, Secretaries Richardson, Hodgson (HR 1)
12:25	Dr. Ed David
1:00	President
2:20	Tennis with Cole, Hullin, Harper
4:00	Roosevelt Room - p.r. group
7:00	Black tie dinner with Mrs. Shouse followed by
8:30	Wolf Trap opening

MONDAY, JUNE 19, 1972

8:15	Roosevelt Room
10:30	Dave Young, Walt Minnich
12:00	John Dean
12:45	Lunch in Mess with Dr. William Walsh (HOPE)
1:45	AG Kleindienst
2:10	Ambassador William Middendorf
4:00	Colson, Dean, Kehrli, Ken Clawson
5:15	Mark Evans, Clarence Arata, Cong. Ken Gray, John Statler (Pres., DC Board of Trade), Sallyanne Payton (DC Arena)
8:30	Motion Picture Association - "Butterflies are Free"

TUESDAY, JUNE 20, 1972

8:00	HRH office
8:15	Roosevelt Room
9:00	HRH, Mitchell
9:45	Joined by John Dean
9:55	Joined by AG Kleindienst
10:30	President
12:00	William Lane (per John Connally)
1:00	Lunch with Roy Wilkins - JDE office
2:25	Car at west basement
2:35	Senator Griffin, Tom Korologos, Ed Morgan
3:00	Senator Bennett, Tom Korologos
4:00	Social Security - MacGregor, Cook, Korologos, Cole, Evans, Weinberger, O'Neill
5:00	Haircut
6:00	Jim Gannon (Wall Street Journal)

DR

Mr. Mitchell -- Tuesday, June 20, 1972

8:15	AG attended White House meeting.
9:00	AG attended White House meeting.
10:30	AG ret. to office
10:32	AG SAW Jeb Magruder, Fred LaRue and Bob Mardian
11:15	AG talked with Sen. Harry Byrd
11:25	AG SAW Rob Odle
11:40	AG SAW Van Shumway
12:30	AG talked with Mrs. Mitchell
1:40	AG SAW Mardian
2:05	AG SAW Messrs. Timmons and Magruder
2:30	AG SAW Van Shumway
2:45	AG SAW Glenn Sedam
3:05	AG ret. Bill Gifford's call and t.
3:20	AG ret. Secy Volpe's call and t.
3:45	AG ret. Gov. Rockefeller's call and t.
4:00	AG ret. Amb. John Pritzlaff's call and t.
4:15	AG SAW Secy Stans
4:25	AG called Wally Johnson
4:50	AG SAW Pete Dailey and Jeb Magruder
5:30	AG SAW Glenn Sedam and Jeb Magruder

Mr. DASH. Now, Mr. Haldeman, when and how did you learn of the break-in on June 17, 1972?

Mr. HALDEMAN. That seems to be the crucial question and I have to give I guess the most incredible possible answer. I don't know, Mr. Dash. I simply don't remember how I learned about it or precisely when or from whom. But let me explain that at that time, that weekend, I was in Key Biscayne. The President was out at Walkers Cay and I was at the Key Biscayne Hotel and I am sure that some time during that weekend somebody told me that the Democratic National Committee had been broken into. I am not sure who or when.

Mr. DASH. Now, what did you do when you learned that, when or whoever told you?

Mr. HALDEMAN. Nothing.

Mr. DASH. Nothing?

Mr. HALDEMAN. No.

Mr. DASH. While you were at Key Biscayne, did you have any information that somebody connected with the Committee To Re-Elect the President was involved?

Mr. HALDEMAN. I think I did and I think that came in a phone conversation with Jeb Magruder on the 18th, on Sunday, which it has always been my impression was placed by him to me, but I understand he says it was placed by me to him and I am not sure which is which. But there was—the point of that phone conversation, the purpose of it was to review a statement that the committee was planning to release, and it was releasing it in conjunction with the earlier publicized, or assumed about to be publicized, fact that Mr. McCord, who did have a connection with the committee, had been one of those arrested at the scene of the break-in.

Mr. DASH. What came through your mind when you learned that Mr. McCord—did you know, by the way, who Mr. McCord was?

Mr. HALDEMAN. I don't believe I did. He probably told me at that time who he was.

Mr. DASH. I take it you did learn that he was the security chief of the Committee To Re-Elect the President.

Mr. HALDEMAN. Yes.

Mr. DASH. Did it occur to you that this might be an embarrassing matter for the campaign?

Mr. HALDEMAN. Yes.

Mr. DASH. When did you get back to Washington after the break-in?

Mr. HALDEMAN. I think on the evening of—on Monday evening, which would be the 19th.

Mr. DASH. Is that when you had a meeting with Mr. Dean? Did Mr. Dean report to you then about what he had learned about the break-in?

Mr. HALDEMAN. I am not—I don't believe so. I am not sure that I had a meeting with Mr. Dean at that point. I believe we probably got back late Monday evening and that I went home.

Mr. DASH. When did you meet with Mr. Dean after you got back?

Mr. HALDEMAN. I think, and I have got sort of a capsule of my record here that is subject to correction by the details, but I think there was a meeting the morning of the 20th, in which I was present with Mr. Mitchell and Mr. Ehrlichman, and that Dean was, Mr. Dean was, in part of that meeting and Attorney General Kleindienst was there part of that meeting.

Mr. DASH. At that meeting do you recall that there was a general discussion as to what happened, what information was current concerning the break-in and the relationship with the committee?

Mr. HALDEMAN. I have no specific recollection of the contents of that meeting but I am sure, that given the time situation, that it must have been in regard to the Watergate break-in.

Mr. DASH. Now, it is true, if you look at your record that during that period right after you get back there are about two or three meetings on different days.

Mr. HALDEMAN. Yes.

Mr. DASH. I think you met with him on the 20th, on the 23d, and on the 26th. Does your record show that?

Mr. HALDEMAN. I show—there is an example now of my log of June 20 that does not show a meeting with those people that I have identified, that I have got in my summary here as a result of information from other sources. What my log shows is a meeting in John Ehrlichman's office which is all my secretary would know. She didn't know who was in the meeting.

Mr. DASH. Right.

Mr. HALDEMAN. I am sorry then you were going——

Mr. DASH. I was saying do you have a record of a meeting with Mr. Dean on the 23d and again on the 26th after the meeting with him on the 20th?

Mr. HALDEMAN. Not in the log, no. The 23d?

Mr. DASH. Yes.

Mr. HALDEMAN. It doesn't show me I don't believe.

Mr. DASH. Do you have it in the summary that you have received from other sources?

Mr. HALDEMAN. No; that doesn't show a meeting with Dean, either. I think I talked with Dean on the phone that day, that morning. I don't believe I met with him but I am not sure.

Mr. DASH. You indicated in your earlier testimony that Mr. Dean did give you a report of what happened and told you at that time that he had told you earlier about telling you after one of the meetings.

Could you place in any one of those meetings when he told you?

Mr. HALDEMAN. No; I can't.

Mr. DASH. Would it be your recollection that it would be during that week when you got back?

Mr. HALDEMAN. Not necessarily, no. As I say, the only meeting that I see with Dean during that week was the meeting in Mr. Ehrlichman's office on the 20th apparently.

Mr. DASH. Did the President either communicate with you or did you have a meeting with the President prior, shortly prior, to June 23, 1972?

Mr. HALDEMAN. I am sure I did. Do you want me to check?

Mr. DASH. You met frequently with the President so you——

Mr. HALDEMAN. Yes, sir.

Mr. DASH. So you are pretty sure you can find such a meeting?

Do you recall prior to that meeting on June 23, the President having a discussion with you concerning the investigation that would be ongoing with regard to the Watergate break-in and a concern he had that such an investigation by the FBI might include the work of the special investigating unit in the White House and also the CIA?

Mr. DASH. Did he not at that time report to you that he had spoken to Mr. Liddy?

Mr. EHRLICHMAN. No, I don't believe so.

Mr. DASH. He made no report at that time to you as to any of the investigations he had made during the day of the 19th?

Mr. EHRLICHMAN. I have the impression that Mr. Dean hadn't been at work very long at that time, and that he was just getting started.

Mr. DASH. All right.

Now, at 4 p.m., what was the purpose of the meeting with Mr. Dean, Mr. Clawson, Mr. Colson, and Mr. Kehrli?

Mr. EHRLICHMAN. The principal purpose, as I recall, was to be in a position to answer inquiries which, I guess, Mr. Clawson was getting or the press people were getting, about Hunt's White House status, of whether he was still an employee of the White House, if not when he had terminated and under what circumstances, and so forth.

Mr. DASH. And isn't that when Mr. Kehrli was brought up to check the record? Would Mr. Kehrli have the record of that?

Mr. EHRLICHMAN. Mr. Kehrli was the staff secretary and would have to be involved in any discussion of that kind. There was another subject or two discussed at the time but as I recall, that was the precipitating question.

Mr. DASH. Well, aside from Mr. Hunt on the payroll, wasn't the focus at that meeting on the question of Hunt himself? Hunt's status at the White House and also the question that Mr. Hunt had a safe in the White House and that the safe ought to be opened?

Wasn't that part of the discussion?

Mr. EHRLICHMAN. Yes, it was, as I previously testified.

Mr. DASH. Yes.

And actually that safe was opened at that time on the evening of the 19th?

Mr. EHRLICHMAN. I don't know. I think it must have been either that evening or the next morning.

Mr. DASH. Now, what was the concern and who brought up the concern of what the contents of Mr. Hunt's safe would show?

Mr. EHRLICHMAN. I don't recall, Mr. Dash. Somebody at the meeting.

I think the way it came up was not so much a personal concern as it was an inquiry by the investigation—either the Metropolitan Police and/or the FBI, as to whether Hunt had any belongings in the White House.

Mr. DASH. Now, on June 20, 1972, you met at 9 o'clock with Mr. Haldeman and Mr. Mitchell joined by Mr. Dean at 9:45, joined by Attorney General Kleindienst at 9:55, and then at 10:30 you had a meeting with the President.

Was that also a followup to find out what was going on in terms of Watergate?

Mr. EHRLICHMAN. I think this was the process of trying to get everybody together who might know anything, to try and get a picture of what the investigation was going to be, whether there might be other people involved, just what the—to try and get the campaign director and the head of the Department of Justice and everybody together in one place to ask questions.

THE WHITE HOUSE — PRESIDENT [illegible]
(See Travel Record for Travel Activity)

PLACE DAY BEGAN: THE WHITE HOUSE, WASHINGTON, D.C.

ATE (Mo., Day, Yr.): JUNE 20, 1972
IME DAY: 6:40 a.m. TUESDAY

TIME In	TIME Out	PHONE P-Placed R-Received Lo	PHONE LD	ACTIVITY
6:40				The President had breakfast.
9:00				The President went to the Oval Office.
9:01	9:04			The President met with his Deputy Assistant, Alexander P. Butterfield.
10:20				The President went to his office in the EOB.
10:25	11:20			The President met with his Assistant, John D. Ehrlichman.
10:51	10:54	P		The President talked with his Deputy Assistant, Edward L. Morgan.
11:26	12:45			The President met with his Assistant, H. R. Haldeman.
12:32	12:33	R		The President talked with his daughter, Tricia.
12:46		P		The President telephoned Senator Margaret Chase Smith (R-Maine). The call was not completed.
12:53	12:55	P		The President talked with Senator Smith.
1:27	2:10			The President met with his Deputy Assistant, Maj. Gen. Alexander M. Haig, Jr.
1:30	1:35	P		The President talked with Senate Minority Leader Hugh Sco (R-Pennsylvania).
1:38	1:39		P	The President talked long distance with Joseph Trerotola, Vice President of the International Brotherhood of Teamsters, in New York City.
1:45	1:49	P		The President talked with his Counsel, Clark MacGregor.
2:16	2:17	P		The President talked with his Special Counsel, Charles W. Colson.
2:20	3:30			The President met with Mr. Colson.
3:33		P		The President telephoned Staff Assistant Stephen B. Bull President talked with Beverly J. Kaye, Mr. Bull's secretary.
4:09	4:14	P		The President talked with his Special Assistant, Patrick Buchanan.
4:33	5:25			The President met with Mr. Haldeman.
5:25				The President went to the Barber Shop.

Source: Misc #47-73 In re Grand Jury Proceedings

U.S. GOVERNMENT PRINTING OFFICE: 1969—O-332-068

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)
JUNE 20, 1972
TIME DAY
5:50 p.m. TUESDAY

TIME		PHONE Placed Received		ACTIVITY
In	Out	Lo	LD	
5:50	5:53			The President met with Mr. Butterfield.
6:01				The President returned to the second floor Residence.
6:08	6:12	P		The President talked with John N. Mitchell, Campaign Direc for the Committee for the Reelection of the President.
6:30				The President and the First Lady had dinner in the Yellow Oval Room.
7:36				The President returned to his office in the EOB.
7:52	7:59	P		The President talked with Mr. Haldeman.
8:04	8:21	P		The President talked with Mr. Colson.
8:42	8:50	R		The President talked with Mr. Haldeman.
11:22				The President returned to the second floor Residence.
11:33	12:05	P		The President talked with Mr. Colson.

MF/CD/LR

U.S. GOVERNMENT PRINTING OFFICE: 1969—O-332-068

Page 2 of 2 Page(s)

MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN THE PRESIDENT AND H. R. HALDEMAN

June 17, 1972 - June 3, 1973

June 17, 1972

AM	10:58	11:02	President placed long distance call to Haldeman

101542

June 18, 1972

PM	12:01	12:19	President placed a local call to Haldeman

June 19, 1972

AM	9:22	9:26	President placed local call to Haldeman
	9:59	10:02	President placed local call to Haldeman
	11:50	1:05 PM	President met with Haldeman
PM	7:26	7:39	Helicopter Manifest - Key Biscayne to Homestead AFB
	7:48	9:47	Spirit of '76' - Homestead AFB to Andrews
	8:52	9:47	President met with Haldeman in flight

June 20, 1972

AM	11:26	12:45	President met with Haldeman - EOB
PM	4:35	5:25	President met with Haldeman - EOB
	7:52	7:59	President placed local call to Haldeman
	8:42	8:50	President received local call from Haldeman

June 21, 1972

AM	9:30	10:38	President met with Haldeman - Oval Office
			Butterfield 10:12 - 10:16
			Colson 10:13 - 10:38
PM	1:24	3:11	President met with Haldeman - Oval Office
			Ziegler 2:12 - 3:11

Senate Select Com.
3/7/74

35-780 O - 74 - 17

Indistinct document retyped by House Judiciary Committee staff

6/20

1130 EOB

Around Aug 3-4=
ck on a weekend at Walkers
if good weather - to get sun etc.

hold higher ed. to Fri.

Gov SD expressed concern re his election
P. wants ltr to him
~~Whitaker-make-stmt-re-tourists~~
Dear Gov
Mrs N told me of yr very warm welcom on what was undrstbly very sad day for people of SD -
She tld me of concrn you expressed (re tourists) --

Mrs N and I have alwy had spec plac in our hrts for SD bec. her parnts were marred al Leeds SD ~~shortly before~~ they later moved to Ely Nev, her birthplace.

2nd page

2.

be sure EOB office is thoroly ckd re bugs
at all times - etc.

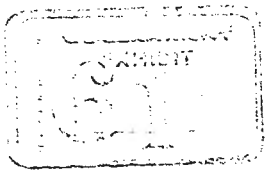
what is our counter-attack?
PR offensive to top this --
hit the opposition w/ their activities
pt. out libertarians have created public [unreadable]
do they justify this less than
stealing Pentagon papers, Anderson file etc?

we shld be on the attack - for diversion -

\- what is sched on SFR SALT hearings?

D go to Calif on Fri - w/ PN -
Julie come out later
PN not to the shower

Indistinct document retyped by House Judiciary Committee staff



(247)

Re Ellsberg office in Mary child is boys
at all times - etc.

What is our counter-attack?
PR Offensive to top the ==
hit the opposition w/ their activities
Pt. out Liberticides have created public attitude -
do they justify this case than
Stealing Pentagon papers, Ardisson folder?

We shld be on the attack - for diversion -

— what is asked in SFR SALT hearings?

D go to Calif on 5th - w/ PM —
Police come out late
PM not to the shower

Indistinct document retyped by House Judiciary Committee staff

noontime approximately. What actually happened both from the logs and from the tape the two of them did not meet together with the President. Mr. Ehrlichman met with him, the log shows at 10:25 till 11:20. Then there was an interval when no one met with the President. Mr. Haldeman came in at 11:26 until 12:45 and you can hear between the conversations, you can hear -- the first one is nothing wrong with Mr. Ehrlichman's conversation. Then you can hear noises for three minutes and some seconds and then you can tell when Mr. Haldeman comes in. From the moment he enters -- and we have been stop watching these things -- there is three minutes and 40 seconds until this signal comes in, continuous for 18 minutes and 15 seconds according to my timing and then the conversation picks back up and continues.

"The Court: What conversation continued after 18 minutes?

"Mr. Buzhardt: Between the President and Mr. Haldeman.

"The Court: It would indicate Mr. Haldeman was there talking to the President?

"Mr. Buzhardt: Yes.

Indistinct document retyped by House Judiciary Committee staff

Indistinct document retyped by House Judiciary Committee staff

"The Court: Then there is a lapse?

"Mr. Buzhardt: Yes. Then the circumstances is [sic] even a little worse than that, Your Honor.

"The Court: I don't know how it could get much worse.

"Mr. Garment: Just wait.

"Mr. Buzhardt: As you know, Your Honor, the notes were subpoenaed too. We found Mr. Haldeman's notes of this meeting. They consist of two legal pads of paper. On the first page the notes start at the beginning and come to the end and they reflect directions or instructions of the President given during the part of the first three minutes and 40 seconds of that conversation. Lif [sic] the page and at the top of the page the first two-thirds of the page the notes reflect that the discussion was about Watergate. The first thing my recollection is something about making sure the EOB office was not bugged and went on from there. When you get past the Watergate type notes, or that could reasonably be concurrent, you know, on that subject, I think the first one after is about a Senate Foreign Relations Committee hearing on SALT. I think that is where the tape picks up.

"Mr. Ben-Veniste: May I ask a question?

Indistinct document retyped by House Judiciary Committee staff

January 15, 1974

(Subpoena duces tecum issued to Richard M. Nixon for production of tapes, etc.)

Report to Chief Judge John J. Sirica

From the Advisory Panel on the White House Tapes

FILED
JAN 15 1974
JAMES F. DAVEY, Clerk

In response to your request we have made a comprehensive technical study of the White House tape of June 20, 1972, with special attention to a section of buzzing sounds that lasts approximately 18.5 minutes. Paragraphs that follow summarize our findings and indicate the kinds of tests and evidence on which we base the findings.

Magnetic signatures that we have measured directly on the tape show that the buzzing sounds were put on the tape in the process of erasing and re-recording at least five, and perhaps as many as nine, separate and contiguous segments. Hand operation of keyboard controls on the Uher 5000 recorder was involved in starting and again in stopping the recording of each segment. The magnetic signatures observed on the tape show conclusively that the 18.5-minute section could not have been produced by any single, continuous operation. Further, whether the footpedal was used or not, the recording controls must have been operated by hand in the making of each segment.

The erasing and recording operations that produced the buzzing section were done directly on the tape we received for study. We have found that this tape is 1814.5 feet long, which lies within a normal range for tapes sold as 1800 feet in length. We have examined the entire tape for physical splices and have found none. Other tests that we have made thus far are consistent with the assumption that the tape is an original and not a re-recording.

A Uher 5000 recorder, almost surely the one designated as Government Exhibit #60, was used in producing the 18.5-minute section. Support for this conclusion includes recorder operating characteristics that we measured and found to correspond to signal characteristics observed on the evidence tape.

The buzzing sounds themselves originated in noise picked up from the electrical power line to which the recorder was connected. Measurements of the frequency spectrum of the buzz showed that it is made up of a 60 cycles per second fundamental tone, plus a large number of harmonic tones at multiples of 60. Especially strong are the third harmonic at 180 and the fifth harmonic at 300 cycles per second. As many as forty harmonics are present in the buzz and create

its "raucous" quality. Variations in the strength of the buzz, which during most of the 18.5-minute section is either "loud" or "soft," probably arose from several causes including variations in the noise on the power line, erratic functioning of the recorder, and changes in the position of the operator's hand while running the recorder. The variations do not appear to be caused by normal machine operations.

Can speech sounds be detected under the buzzing? We think so. At three locations in the 18.5-minute section, we have observed a fragment of speech-like sound lasting less than one second. Each of the fragments lies exactly at a place on the tape that was missed by the erase head during the series of operations in which the several segments of erasure and buzz were put on the tape. Further, the frequency spectra of the sounds in these fragments bear a reasonable resemblance to the spectra of speech sounds.

Can the speech be recovered? We think not. We know of no technique that could recover intelligible speech from the buzz section. Even the fragments that we have observed are so heavily obscured that we cannot tell what was said.

The attached diagram illustrates the sequence of sound events in the 18.5-minute section. Also illustrated is a

sequence of Uher operations "erase-record on" and "erase-record off" that are consistent with signatures that we measured on the evidence tape. The five segments that can be identified unequivocally are labeled "1" through "5." In addition, the diagram shows four segments of uncertain ending.

In developing the technical evidence on which we have based the findings reported here, we have used laboratory facilities, measuring instruments, and techniques of several kinds, including: digital computers located in three different laboratories, specialized instruments for measuring frequency spectra and waveforms, techniques for "developing" magnetic marks that can be seen and measured directly on the tape, techniques for measuring the performance characteristics of recorders and voice-operated switches, and statistical methods for analyzing experimental results.

In summary we have reached complete agreement on the following conclusions:

1. The erasing and recording operations that produced the buzz section were done directly on the evidence tape.

2. The Uher 5000 recorder designated Government Exhibit #60 probably produced the entire buzz section.

3. The erasures and buzz recordings were done in at least five, and perhaps as many as nine, separate and contiguous segments.

4. Erasure and recording of each segment required hand operation of keyboard controls on the Uher 5000 machine.

5. Erased portions of the tape probably contained speech originally.

6. Recovery of the speech is not possible by any method known to us.

7. The evidence tape, in so far as we have determined, is an original and not a copy.

Respectfully submitted,

Richard H. Bolt

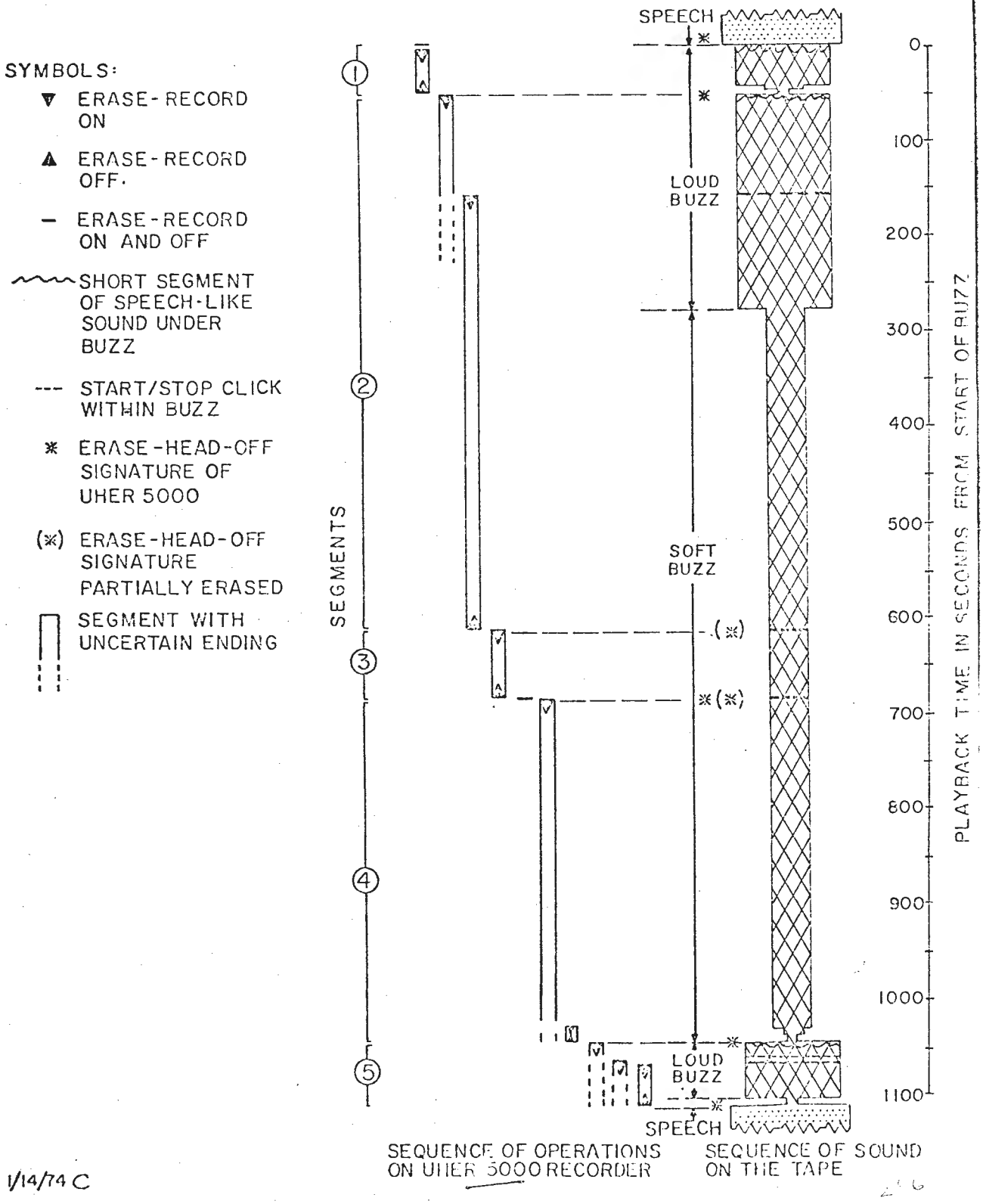
Franklin S. Cooper

James L. Flanagan

John G. (Jay) McKnight

Thomas G. Stockham, Jr.

Mark R. Weiss


SYMBOLS:
▼ ERASE-RECORD ON
▲ ERASE-RECORD OFF.
— ERASE-RECORD ON AND OFF
SHORT SEGMENT OF SPEECH-LIKE SOUND UNDER BUZZ
--- START/STOP CLICK WITHIN BUZZ
* ERASE-HEAD-OFF SIGNATURE OF UHER 5000
(*) ERASE-HEAD-OFF SIGNATURE PARTIALLY ERASED
SEGMENT WITH UNCERTAIN ENDING
SEGMENTS
1
2
3
4
5
SPEECH
LOUD BUZZ
SOFT BUZZ
(*)
*(*)
LOUD BUZZ
SPEECH
0
100
200
300
400
500
600
700
800
900
1000
1100
PLAYBACK TIME IN SECONDS FROM START OF BUZZ
SEQUENCE OF OPERATIONS ON UHER 5000 RECORDER
SEQUENCE OF SOUND ON THE TAPE

1/14/74 C

FILED
NOV 26 1973
JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE GRAND JURY SUBPOENA DUCES TECUM ISSUED TO RICHARD M. NIXON, OR ANY SUBORDINATE OFFICER, OFFICIAL OR EMPLOYEE WITH CUSTODY OR CONTROL OF CERTAIN DOCUMENTS OR OBJECTS	)	Misc. No. 47-73

ANALYSIS, INDEX AND PARTICULARIZED CLAIMS OF EXECUTIVE PRIVILEGE FOR SUBPOENAED MATERIALS

Pursuant to the special court procedures issued on October 30, 1973, the President of the United States through his counsel submits herewith an analysis and an index of the subpoenaed materials, and particularized claims of executive privilege where applicable.

All materials subpoenaed are primarily identified in the subpoena as related to one of a series of specified conversations, one of which was a telephone conversation and the remainder of which were conducted in personal meetings. For each conversation, the subpoena demands production of "1. All tapes and other electronic and/or mechanical recordings or reproductions, and any memoranda, papers, transcripts or other writings, relating to" the specified conversation.

This submission treats each conversation covered by the subpoena separately, in the order of the subparagraphs of Paragraph 1 of the subpoena. (The materials covered by Paragraphs 2 and 3 of the subpoena were voluntarily provided by the President to the Special Prosecutor for the Grand Jury's use when the subpoena was issued.)

PART I

Item 1(a) of the subpoena relates to "Meeting of June 20, 1972, in the President's Executive Office Building ("EOB") office involving Richard Nixon, John Ehrlichman and H. R. Haldeman from 10:30 a.m. to noon (time approximate)."

(d) Particularized Claim of Executive Privilege

The conversation on the tape recording of the meeting between H. R. Haldeman and the President consists of advice to the President by a senior advisor on official decisions then pending before the President. None of the conversation recorded relates to Watergate.

The President believes that the conversation is subject in its entirety to a claim of Executive Privilege in order to protect the confidentiality of advice given to the President. There is nothing in this conversation "concerning possible criminal conduct or discussions of possible criminal conduct" as to testimony concerning which the President announced he would not invoke Executive Privilege on May 22, 1973.

This particularized claim of Executive Privilege should be sustained as to Item I.B.1., and this tape recording should not be submitted by the Court to the Grand Jury.

(2) Memorandum (Notes of H. R. Haldeman)

A file search has disclosed handwritten notes of H. R. Haldeman, which from the identifying markings and the content indicate the notes were made by H. R. Haldeman during the meeting with the President on June 20, 1972, between 11:26 a.m. and 12:45 p.m. The notes are on two pages of paper from a yellow legal pad. These notes are being submitted as Item I.B.2. covered by the subpoena.

(a) Analysis

The notes to be submitted to the Court as Item I.B.2. reflect that the President gave instructions to Mr. Haldeman to take certain actions of a public relations character which related to the Watergate incident.

(b) Index

None necessary.

Indistinct document retyped by
House Judiciary Committee staff

request re the meeting on June 20th. It said Erlichman [sic]/Haldeman meeting. What he wants is the segment on June 20th from 10:25 to 11:20 with John Erlichman [sic] alone. Al Haig."

By Mrs. Volner:

Q. Now, you then listened to the Erlichman [sic] portion of the tape and you first heard the Haldeman portion on October 1st at the White House?

A. That is right. That was when I was ending the Erlichman [sic] one.

Q. I am sorry?

A. That was when I was ending the Erlichman [sic] one and wanting to be sure that I had.

Q. And you said you listened to just a few minutes of Haldeman?

A. That is right.

Q. At what point did you stop listening to Haldeman?

A. Well, I started to stop listening to Haldeman when they started talking about scheduling matters, about going to a state where Pat Nixon's mother and father had lived, were married before they moved to Ely, Nevada, where she was born. And there was something about tourism. I don't know whether some Governor had called and asked. I don't remember. And that is the last I heard on that tape. And that is the time that through some error on my part some way in turning around to reach one of my phones, which buzzes and buzzes and buzzes,

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

I pushed the record button down. Now, whether I held my foot on the pedal or whether the button stuck down I couldn't tell you. I thought it was something like 4- 1/2 to 5 minutes and I so told the President as soon as I could go in to see him.

Q You told the President exactly what?

A That I was afraid that I had caused a gap in the Haldeman tape and he said, there is no problem because that is not a subpoenaed tape.

Q You told him that on October 1st?

A That is right.

Q And did you have any other conversation with the President on October 1st?

A I haven't the slightest idea.

Q Did you listen to the portion that you had, as you testified, perhaps erased?

A No. The last word I heard on the Haldeman was Ely, Nevada, or Ely, and the next thing when I pushed the button back I got as far as Ely again and that is when there is this shrill noise.

Q And what follows the shrill noise?

A What follows the shrill noise is again something -- This is what I listened to on Saturday or Friday, whichever day. What follows is something about Democratic Convention or seating of delegates or -- I didn't try to take it down at all.

Q Was there anything concerning the --

Indistinct document retyped by
House Judiciary Committee staff

20. On June 20, 1972 Gordon Strachan met with H. R. Haldeman and showed him a copy of a Political Matters Memorandum Strachan had sent to Haldeman prior to April 4, 1972 concerning approval of a "sophisticated intelligence system with a budget of $300,000." Haldeman acknowledged to Strachan that he had read the political intelligence item in the memorandum. Strachan also showed Haldeman political intelligence reports referring to "Sedan Chair II" which had been attached to the memorandum. Haldeman said he had not previously read the attachment, and proceeded to read it. According to Strachan, Haldeman directed him to destroy all of the documents. Haldeman has testified that he could not recall giving Strachan any such instruction.

Page

20.1 Gordon Strachan testimony, 6 SSC 2452-53, 2457-58.....262

20.2 H. R. Haldeman testimony, 8 SSC 3096-97.....266

35-780 O - 74 - 18

that would strike me as far more sensitive a matter to send through the normal messenger channels than some file which other witnesses have indicated was not patently illegal on its face.

Mr. DASH. In other words, what you are saying is that you never did see the Gemstone file, Mr. Magruder never invited you over to see it, and that prior to March 30, you had no knowledge of any so-called Liddy intelligence plan?

Mr. STRACHAN. That is correct.

Mr. DASH. Now, did that change, at least after March 30?

If it did, could you tell us how it changed?

Mr. STRACHAN. Yes; I was aware that Mr. Magruder would be going down to Key Biscayne to review several campaign decisions that had accumulated during John Mitchell's working on the ITT problem. He called me up in an apparently fairly brief telephone conversation and reviewed the 30 or so pending campaign decisions. I took notes on that telephone conversation and prepared shortly thereafter a political matters memorandum for Mr. Haldeman, summarizing that telephone conversation as well as other information.

Mr. DASH. And what did that include? I mean did it include a Liddy intelligence plan?

Mr. STRACHAN. Yes; Mr. Magruder told me that a sophisticated political intelligence gathering system had been approved and I reported that to Mr. Haldeman.

Mr. DASH. Were you aware that that was one of the items for decision that went down to Key Biscayne with Mr. Magruder?

Mr. STRACHAN. No; I was not.

Mr. DASH. So that it was after he came back that he reported that to you?

Mr. STRACHAN. That is correct.

Mr. DASH. Can you recall approximately when he made that report to you?

Mr. STRACHAN. Well, it was shortly thereafter, I would guess either Friday, March 31, maybe Saturday. My secretary recalls having typed the memorandum on Friday.

Mr. DASH. And it is clear in your mind that Mr. Magruder reported that Mr. Mitchell had in fact approved a sophisticated intelligence plan?

Mr. STRACHAN. Well, I concluded that Mr. Mitchell had approved it. I believe that when Mr. Magruder was going through the decisions and the way I would usually report it to Mr. Haldeman would be that Mr. Magruder reports that Mr. Mitchell has approved the following matters, and I would put a colon, and then I would list the items.

Mr. DASH. But did you do it with regard to this plan?

Mr. STRACHAN. Yes; that was one of the 30 items that was listed.

Mr. DASH. I think in your statement you referred to a sophisticated intelligence system with a budget of 300. Three hundred what?

Mr. STRACHAN. Well, it is $300,000. On almost all of the memorandums that I wrote to Mr. Haldeman, I would leave off the last three zeroes, because usually the figures that we were dealing with were very, very large.

Mr. DASH. Now, you say that you then prepared a political matters memorandum for Mr. Haldeman, and you included this approved

sophisticated intelligence plan, that $300,000 budget, in that political matters memorandum.

Do you recall the number of that memorandum?

Mr. STRACHAN. Yes; it was political matters memorandum No. 8.

Mr. DASH. And how many political matters memorandums did you write after that, if you can recall approximately?

Mr. STRACHAN. Well, through the campaign and toward the end of the campaign, they got a little further apart, but I wrote 28.

Mr. DASH. Did you receive any information or indication that Mr. Haldeman, in fact, read the political matters memorandum No. 18 with specific reference to the sophisticated intelligence plan with a budget of $300,000?

Mr. STRACHAN. Yes; it was Mr. Haldeman's practice when he would read such a memorandum to make notes and check off those paragraphs which he had indicated and then he would write it up in the upper right-hand corner "To Strachan," in this case indicating the memorandum should be returned directly to me, and I would go through his memorandums after he had read them, and this particular one I reread, and noted his checking off of all the paragraphs that I had prepared for him.

Mr. DASH. Was there any other comment besides that particular one?

Mr. STRACHAN. Besides the paragraph that you are concerned about there was simply a blank check.

Mr. DASH. Now, did there come a time shortly afterwards when you were asked to do anything about that particular matter?

Mr. STRACHAN. I am sorry.

Mr. DASH. Did there come a time shortly afterward when you were asked to write either any other paper or memorandum or take any further action with regard to that particular matter?

Mr. STRACHAN. I am sorry, I do not understand the——

Mr. DASH. Well, you testified that you submitted to Mr. Haldeman a report on your political matters memorandum concerning this sophisticated intelligence plan, and then that this was checked off, indicating to you that he had read it. What happened afterward concerning that particular matter? Did that just stay in your file or did Mr. Haldeman take any further action on it to your knowledge?

Mr. STRACHAN. Well, after the memorandum came back out Mr. Haldeman was going to meet with Mr. Mitchell on April 4.

Mr. DASH. How did you learn about that?

Mr. STRACHAN. Mr. Haldeman had a system on his telephones where he could push a button and have one of his personal aides monitor the telephone conversation.

Mr. DASH. Would this be similar to an extension phone where somebody would be asked to get on an extension phone and just listen in?

Mr. STRACHAN. Well, it would be different from an extension phone because you could not detect the fact that it was picked up, and there was no way that the person listening on the phone could make any noise either by talking or by a secretary typing to indicate that there was someone else on the phone.

Mr. DASH. How were you notified or how was it indicated to you that you were to pick up the line?

Mr. STRACHAN. No, I did not.

Mr. DASH. Did you later learn from Mr. Magruder anything about this event?

Mr. STRACHAN. Well, I called him that afternoon and then tried to call him again that evening, and did not reach him. Placed a third call on Sunday about noon, Washington time, and asked him if he knew anything about this since I had rather expected a phone call from Mr. Haldeman, and he said "Don't worry about it, I have been on the phone this morning with Bob, and you needn't know anything about it."

Mr. DASH. All right. What did you do after that?

Mr. STRACHAN. I called Mr. Higby, because I didn't really believe that Magruder had talked to Mr. Haldeman, Haldeman was down in Key Biscayne. Mr. Higby told me yes, in fact Magruder had talked with Mr. Haldeman and Mr. Ehrlichman was handling the entire matter.

Mr. DASH. All right. Now, at that point were you concerned about any particular thing?

Mr. STRACHAN. Pardon?

Mr. DASH. At that point having learned that Mr. Haldeman now had spoken to Mr. Magruder and was informed, did a concern come into your mind?

Mr. STRACHAN. Yes, I expected over the entire weekend Mr. Haldeman to call me and ask me what I knew, if I knew anything why I had not reported it to him, the usual very tough questions he would ask.

Mr. DASH. Did you begin at that time to suspect any problem that Mr. Haldeman may have with regard to this?

Mr. STRACHAN. Well, you have to draw one of three conclusions: Either he knew about it ahead of time; either he didn't except me to report to him, or he had received a report and had calmed down.

Mr. DASH. Did you arrive at any one conclusion?

Mr. STRACHAN. It was either one of the latter two, either he knew or he didn't expect me to report to him.

Mr. DASH. What did you do after you learned that he had heard about it, what did you do yourself?

Mr. STRACHAN. I didn't do anything. The White House logs indicate that I was in the White House for a minute Sunday, I don't know what that was for.

The next day, Monday——

Mr. DASH. Monday was June 19, 1972?

Mr. STRACHAN. That is correct.

Mr. DASH. All right.

Mr. STRACHAN. I began going through my files, Mr. Haldeman's files, to see if there were any indications of any information that would be in any way related to this act.

Mr. DASH. Well, did you come to any conclusion as to whether there was anything in the files that would be in any way related?

Mr. STRACHAN. Yes. I pulled out several documents, most particularly the political matters memorandum No. 18.

Mr. DASH. And that was the one that referred to the sophisticated intelligence plan?

Mr. STRACHAN. That is correct.

Mr. DASH. Did you also pull out that memorandum or these little notes that you had taken concerning the communication that you had from Mr. Haldeman to contact Mr. Liddy about his capabilities being switched from Muskie to McGovern?

Mr. STRACHAN. Well, I pulled that document out but I did not take that up to Mr. Haldeman.

Mr. DASH. All right.

Now, what did you believe at that time when you took the document out?

Did you believe that a break-in at the Democratic National Committee headquarters was in fact related to this plan?

Mr. STRACHAN. I didn't know for sure, but I had pretty strong suspicions.

Mr. DASH. Did you meet with Mr. Haldeman shortly after you pulled that file out?

Mr. STRACHAN. Yes, I did.

Mr. DASH. Could you tell us when?

Mr. STRACHAN. I believe it was the morning of June 20. He had returned from Florida, I had given a note to Mr. Higby that I thought I should see Mr. Haldeman. Mr. Haldeman summoned me to his office, and I walked in with the political matters memorandum.

Mr. DASH. I think you had indicated that you were somewhat concerned about Mr. Haldeman's reaction to you about not being informed. Were you still concerned when you met with Mr. Haldeman on June 20?

Mr. STRACHAN. Yes, I was scared to death. I thought I would be fired at that point for not having figured that out.

Mr. DASH. Were you fired or did he berate you?

Mr. STRACHAN. No, he did not berate me. He said almost jokingly, "Well, what do we know about the events over the weekend?" And I was quite nervous and retreated to sort of legal protective terms and I said, "Well, sir, this is what can be imputed to you through me, your agent," and opened the political matters memorandum to the paragraph on intelligence, showed it to him. He acknowledged his check and that he had read that, and said that he had not read the tab, which had been attached, turned, began reading it, said, maybe I should have been reading these, these are quite interesting, and read the tab.

Mr. DASH. What tab was that?

Mr. STRACHAN. That was Sedan Chair II.

Mr. DASH. Then what, if anything, did you tell him or did he tell you after he had gone through this memorandum again?

Mr. STRACHAN. He told me, "Well, make sure our files are clean."

Mr. DASH. What did that mean to you?

Mr. STRACHAN. Well, I went down and shredded that document and others related.

Mr. DASH. Now, did you do that on your own initiative as such, or did you feel that you were making sure that you were following Mr. Haldeman's instruction that you should make sure the files are clean?

Mr. STRACHAN. No, I believed I was following his orders.

Mr. DASH. And you shredded all of No. 18, the political matters memorandum No. 18?

Mr. STRACHAN. That is correct.

Mr. DASH. What about the memorandum that you had made on the communication with regard to Mr. Liddy?

Mr. HALDEMAN. March 21.

Senator TALMADGE. Yes.

Mr. HALDEMAN. I don't believe that Mr. Dean implicated me on March 21 except to say that there was a potential problem that could develop in connection with the transference of the $350,000.

Senator TALMADGE. Did he question you about it extensively? The President?

Mr. HALDEMAN. The President? He asked me about the matter of the $350,000; yes, sir.

Senator TALMADGE. Mr. Ehrlichman testified that Mr. Petersen had pressed the President to fire you on April 15 because of the implications of the matter. Mr. Ehrlichman said that he voluntarily resigned under no pressure from the President. How about you? Did the President ask you to resign?

Mr. HALDEMAN. No, sir. The President and I discussed, as I testified this morning to the—to this committee, that at that time it became apparent to me, and I am sure it was apparent to the President, that I was not in a position to carry out my duties effectively and properly, and the question was discussed in terms—during the period of the last couple of weeks of April—in terms of a leave of absence or a resignation and ultimately decided on my part that a resignation was the proper course. The President agreed with that.

Senator TALMADGE. Now, you have been implicated by both Mr. Dean and the Assistant Attorney General, Mr. Petersen, and you were not asked to resign. That is your testimony, is it?

Mr. HALDEMAN. I don't believe that I had been implicated, Senator.

Senator TALMADGE. I am talking about what others have said.

Mr. HALDEMAN. Yes, sir, but I mean——

Senator TALMADGE. Dean so testified. I understand the Assistant Attorney General had urged the President to fire you on April 15. Do you know anything about that?

Mr. HALDEMAN. Well, you are basing that, as I understand it now, on Mr. Ehrlichman's testimony. My recollection is slightly different but——

Senator TALMADGE. You disagree with Mr. Ehrlichman at this point.

Mr. HALDEMAN. No, sir. I would like to explain my point. My recollection is slightly different and perhaps not substantially different in that it was my understanding that Mr. Petersen's recommendation was that the President place us on leaves of absence because the testimony, the information that he had, concerned or contained matters that would be embarrassing to us in terms of our continuing in our position. He specifically, as I understand it, informed the President that he did not have anything that legally implicated us on that basis and the President, it is my understanding, asked him—said that he would not take action to place us on leaves of absence in the absence of specific charges or information that did implicate us which Mr. Petersen, as I understand it, never produced.

Senator TALMADGE. Thank you, Mr. Haldeman. My time has expired and I must go to the floor to cast a vote also.

Senator Gurney.

Senator GURNEY. Thank you.

Mr. Haldeman, your statement was very full and comprehensive and so were the questions by counsel today.

I have more—mostly bits and pieces of information I would like to ask you about to sort of fill in.

On this business with Mr. Strachan, cleaning up the files, and his later shredding, I think he testified, as I recall, that later on during an airplane trip on Air Force One he brought up this question with you. Do you recall that?

Mr. HALDEMAN. No, sir. As I said, I don't recall a report from him. I don't recall requesting him to do—to clean up the files nor do I recall a report that he had done so.

Senator GURNEY. Did you ever discuss with Mr. Mitchell anything about the break-in or the coverup of Watergate? And now I am—of course, I know you did late this year, in March, but I am talking about earlier, after the break-in, or during 1972?

Mr. HALDEMAN. After the break-in I am sure there were discussions—there were discussions regarding the break-in and the ongoing developments in the Watergate case and I am certain that Mr. Mitchell was in some of those discussions. So the answer regarding the break-in would be yes.

Senator GURNEY. I should have phrased my question a little better. Did you ever discuss any matters with him that indicated to you that there was a coverup, is what I really intended to ask.

Mr. HALDEMAN. No, sir; I attempted in my statement to try to draw a distinction between what now is termed coverup, which I feel is a loose term, that is not maybe defined in each person's mind the same as in each other person's, and it has so generally come to mean the illegal acts that have been made forth here, that when you say coverup, if by coverup you mean any of the illegal actions that were or have been alleged to have been taken, then my answer would be very clearly no.

Senator GURNEY. I did intend that. I did intend to refine it to include the illegal actions.

Mr. Magruder worked for you as a staff man in the White House; did he not?

Mr. HALDEMAN. He did for a short period of time. He came in to the White House as a special assistant under my direct responsibility as a project man and continued in that role for approximately 4 months, I believe, at which time he moved over to Herb Klein's office as Deputy Director of Communications, which was a post he held for a year, over a year I believe, before he went to the reelection committee.

Senator GURNEY. Were you at all close to him during this period of time in the White House? Were you close personal friends, see a lot of each other?

Mr. HALDEMAN. No. He was a member of my staff. During the time he was a member of my staff and I saw him fairly frequently on a business basis but I had no social relationship with him.

Senator GURNEY. Did he do any reporting to you when he was in his capacity of the Committee To Re-Elect the President as deputy campaign director?

Mr. HALDEMAN. Some, yes; but he primarily reported to Mr. Mitchell and I dealt primarily with Mr. Mitchell on matters relating to the reelection committee.

Senator GURNEY. Again in any conversations that you had with Mr. Magruder in the year 1972, did you discuss any of the illegal aspects of the coverup of Watergate?

21. Following his meeting with H.R. Haldeman, Gordon Strachan shredded the Political Matters Memorandum regarding a sophisticated intelligence gathering system that he had shown Haldeman. Strachan also shredded other related documents, including a memorandum regarding Gordon Liddy, an April 4, 1972 talking paper prepared by Strachan for a meeting between Haldeman and John Mitchell, a memorandum from Jeb Magruder to Mitchell regarding Donald Segretti, and Segretti's telephone number. After Strachan destroyed these documents, he told John Dean what documents he had destroyed. On July 1, 1972 Strachan, Haldeman and Lawrence Higby were part of a Presidential party aboard Air Force One. Strachan has testified that during the flight he reported to Haldeman that the job had been accomplished, and Haldeman told him to reduce the number of copies made of future Political Matters Memoranda from three to two. Haldeman has testified that he does not recall receiving such a report.

Page

21.1 Gordon Strachan testimony, 6 SSC 2441, 2458-60. 270

21.2 John Dean testimony, 3 SSC 933-34. 274

21.3 H.R. Haldeman testimony, 8 SSC 3097. 276

that Mr. Mitchell and Mr. Dean were shocked by Liddy's plan; Mr. Magruder's staff man, Gordon Liddy, was apparently quite humiliated, and nothing was approved. In other words, if those meetings were routinely reported to Mr. Haldeman, as evidence of Mr. Magruder's administrative ability and judgment, the January and February meetings would not very likely inspire the confidence of Mr. Haldeman or the President.

Yet, Mr. Magruder testified that "as he recalled" he returned to his office after both these embarrassing meetings and routinely called Mr. Haldeman's staff assistant, me, and told me about his blunder, presumably so that I could inform Mr. Haldeman. That testimony is difficult to reconcile with good sense. Presumably, Mr. Magruder knew that Mr. Dean would report on the meetings to Mr. Haldeman—as Mr. Dean has testified he did—why would Mr. Magruder want two people reporting the same disaster to Mr. Haldeman?

It is true, however, that Mr. Magruder called me after he returned from the March 30, 1972, meeting at Key Biscayne with Mr. Mitchell and Mr. LaRue and reported on about 30 major campaign decisions. Each of these decisions was briefly described in that rather short phone conversation. During this call, he told me, and I am repeating his words rather precisely: "A sophisticated political intelligence-gathering system has been approved with a budget of 300." Unfortunately he neither gave me, nor did I ask for any further details about the subject.

Soon thereafter I wrote one of my regular "political matters" memos for Mr. Haldeman. This particular memo for early April was 8 to 10 pages long with more than a dozen tabs or attachments, but it contained only one three-line paragraph on political intelligence. That paragraph read almost verbatim as Mr. Magruder had indicated to me over the phone. I wrote in the memo to Mr. Haldeman—Again this is almost a quote:

> Magruder reports that 1701 now has a sophisticated political intelligence-gathering system with a budget of 300. A sample of the type of information they are developing is attached at tab "H."

At tab "H", I enclosed a political intelligence report which had been sent to me from the committee. It was entitled Sedan Chair II. This report and two others somewhat like it that I had received began with a statement such as, "A confidential source reveals" or "a reliable source confidentially reports." This was followed by a summary of some political information.

In April 1972, I was mainly interested in reporting to Mr. Haldeman on those 30 campaign decisions and other relevant political items. I did not give much thought to what Mr. Magruder meant by "sophisticated political intelligence-gathering system." Nor did I give much thought to the real identity of Sedan Chair II, but I remember that the information dealt with Senator Humphrey's Pennsylvania organization.

However, on June 17, 1972, and afterward, as the news began unfolding about the break-in at the Democratic National Committee, I certainly began to wonder who else but people from 1701 could have been involved. I suspected that maybe the Watergate break-in was part of the sophisticated political intelligence operation Mr. Magruder had

Mr. DASH. Did you also pull out that memorandum or these little notes that you had taken concerning the communication that you had from Mr. Haldeman to contact Mr. Liddy about his capabilities being switched from Muskie to McGovern?

Mr. STRACHAN. Well, I pulled that document out but I did not take that up to Mr. Haldeman.

Mr. DASH. All right.

Now, what did you believe at that time when you took the document out?

Did you believe that a break-in at the Democratic National Committee headquarters was in fact related to this plan?

Mr. STRACHAN. I didn't know for sure, but I had pretty strong suspicions.

Mr. DASH. Did you meet with Mr. Haldeman shortly after you pulled that file out?

Mr. STRACHAN. Yes, I did.

Mr. DASH. Could you tell us when?

Mr. STRACHAN. I believe it was the morning of June 20. He had returned from Florida, I had given a note to Mr. Higby that I thought I should see Mr. Haldeman. Mr. Haldeman summoned me to his office, and I walked in with the political matters memorandum.

Mr. DASH. I think you had indicated that you were somewhat concerned about Mr. Haldeman's reaction to you about not being informed. Were you still concerned when you met with Mr. Haldeman on June 20?

Mr. STRACHAN. Yes, I was scared to death. I thought I would be fired at that point for not having figured that out.

Mr. DASH. Were you fired or did he berate you?

Mr. STRACHAN. No, he did not berate me. He said almost jokingly, "Well, what do we know about the events over the weekend?" And I was quite nervous and retreated to sort of legal protective terms and I said, "Well, sir, this is what can be imputed to you through me, your agent," and opened the political matters memorandum to the paragraph on intelligence, showed it to him. He acknowledged his check and that he had read that, and said that he had not read the tab, which had been attached, turned, began reading it, said, maybe I should have been reading these, these are quite interesting, and read the tab.

Mr. DASH. What tab was that?

Mr. STRACHAN. That was Sedan Chair II.

Mr. DASH. Then what, if anything, did you tell him or did he tell you after he had gone through this memorandum again?

Mr. STRACHAN. He told me, "Well, make sure our files are clean."

Mr. DASH. What did that mean to you?

Mr. STRACHAN. Well, I went down and shredded that document and others related.

Mr. DASH. Now, did you do that on your own initiative as such, or did you feel that you were making sure that you were following Mr. Haldeman's instruction that you should make sure the files are clean?

Mr. STRACHAN. No, I believed I was following his orders.

Mr. DASH. And you shredded all of No. 18, the political matters memorandum No. 18?

Mr. STRACHAN. That is correct.

Mr. DASH. What about the memorandum that you had made on the communication with regard to Mr. Liddy?

Mr. STRACHAN. Yes, I shredded that also.

Mr. DASH. Were there any other documents that you shredded?

Mr. STRACHAN. Yes, I did go through and make sure our files were clean. I shredded the talking paper between Mr. Haldeman and Mr. Mitchell on April 4, I shredded a reference to Mr. Segretti, I shredded Mr. Segretti's telephone number.

Mr. DASH. What reference was that to Mr. Segretti?

Mr. STRACHAN. Well, there had been a dispute between whether or not Mr. Segretti should continue out in the field functioning somewhat independent. Mr. Magruder wrote a memorandum to Mr. Mitchell entitled "Matter of Potential Embarrassment" in which he described this individual in the field and how that individual should be under the direction of Mr. Liddy. Mr. Mitchell had a copy of that and Mr. Haldeman had a copy of that. And Mr. Haldeman had told me to call up Mr. Segretti and to tell him to expect a call and his directions from Mr. Liddy. I shredded that memorandum also.

Mr. DASH. Were there any other documents that you shredded?

Mr. STRACHAN. Well, we gave the committee a list.

Mr. DASH. You may have stated, but did that include the talking paper that you had prepared for Mr. Haldeman for his meeting with Mr. Mitchell on April 4?

Mr. STRACHAN. Yes, I think I said that that was one of the items.

Mr. DASH. Now, after you shredded these papers on the 20th of June 1972, did you inform anybody that you had done this?

Mr. STRACHAN. Yes, I went over to John Dean's office and gave him a list orally of the documents that I had shredded and told him that those had been Mr. Haldeman's instructions.

Mr. DASH. Why did you inform John Dean?

Mr. STRACHAN. Well, John Dean was, as you know, the counsel to the President and the man who would presumably be handling this problem.

Mr. DASH. Did you inform anybody else?

Mr. STRACHAN. No.

Mr. DASH. Now, have you since had an opportunity to go through the White House records to look at the various memorandums that you have prepared in the past?

Mr. STRACHAN. Yes, I have gone back into an Executive Office Building office, room 522, to go through the files.

Mr. DASH. And did these files still have the political matters memorandum that you had prepared for Mr. Haldeman?

Mr. STRACHAN. Well, they contained all political matters memorandums except No. 18.

Mr. DASH. 18 was missing?

Mr. STRACHAN. That is right.

Mr. DASH. So you reaffirmed the fact that you had destroyed 18?

Mr. STRACHAN. Well, I did not forget that.

Mr. DASH. No. It had not been replaced, anyway?

Mr. STRACHAN. No.

Mr. DASH. Now, later, did you ever inform Mr. Haldeman that you wanted to make sure that the files were clean or that you had destroyed, in fact, the particular files that you were worried about?

Mr. STRACHAN. Yes. On July 1, I was invited to go out with the Presidential party on Air Force One. There were going to be a series of discussions out there with Mr. MacGregor and Mr. Malek regarding

the campaign. I had done a political matters memo for the preceding 2 weeks and I joined Mr. Haldeman and Mr. Higby on that flight. At that time, I reviewed both the most recent political matters memorandum and the fact that I had in fact made sure the files were clean.

Mr. DASH. What was Mr. Haldeman's reaction, if anything, when you told him that you had destroyed No. 18?

Mr. STRACHAN. I do not think he said anything. I just reported it as a matter of fact and we went on to something else.

Mr. DASH. And to your recollection, he accepted that as a matter of fact?

Mr. STRACHAN. Well, I would remember if he had told me that was a very stupid thing to do.

Mr. DASH. Now, was there any discussion as to how many copies of these memorandums in the future should be made?

Mr. STRACHAN. Yes; he asked me how many copies of the political matters memorandum had been prepared and I told him three, and he told me at that time to cut the number down to two.

Mr. DASH. Who received these copies? There were two, one for him and one for who?

Mr. STRACHAN. Well, one for Mr. Haldeman and one for me.

Mr. DASH. Now, after this event, and after, of course, the break-in at Watergate, what was your relationship with the Committee To Re-Elect the President? Did it continue, and did you continue as liaison?

Mr. STRACHAN. Yes, it did. I had talked with Mr. Malek on the trip out to California and he talked to Mr. MacGregor about how good I thought Bob Reisner was as an administrative assistant and the decision was made to move Bob Reisner to become Clark MacGregor's administrative assistant and I continued to work very, very closely with Mr. Reisner.

Mr. DASH. Did you have any responsibilities to report to Mr. Haldeman concerning the Watergate affair?

Mr. STRACHAN. None.

Mr. DASH. I take it that after the break-in, the so-called Watergate affair became an important matter of concern in the campaign?

Mr. STRACHAN. Well, everybody followed it rather closely.

Mr. DASH. And I take it various meetings were held, and I think that we've had considerable testimony from a number of witnesses concerning the meetings just after the break-in through June, the latter part of July and August. Were you aware of those meetings?

Mr. STRACHAN. No, not really. I certainly never attended any. I don't think I was specifically aware that they were having all these meetings on what has turned out to be the Watergate matter.

Mr. DASH. Were you aware of an interchange of information, let me say between Mr. Dean, Mr. Magruder, Mr. Mitchell, Mr. Mardian, Mr. LaRue, and then on the other side, Mr. Haldeman and Mr. Ehrlichman, involving these meetings?

Mr. STRACHAN. No, I don't think so and that sort of goes to the point of how Dean could keep all facts and people sort of in order. I don't think he ever told me that he was having all these meetings.

Mr. DASH. So as you testified earlier with regard to the meeting back on February 4 and also January 27, when Mr. Dean was present, Mr. Haldeman would rely on Mr. Dean's report and it was not necessary for you to be that messenger of the information. So it happened after-

fensive and stated that he was merely on his payroll as a consultant because Ehrlichman had so requested. He asked me to determine if Hunt was still on his payroll and I said I would check. Colson also expressed concern over the contents of Hunt's safe. Several weeks later—probably 4 or 5—I learned from Paul O'Brien, who was representing the reelection committee, that he had learned from Mr. Hunt's attorney, Mr. William Bittman, that Hunt and Colson spoke on the telephone over the weekend of June 17–18, and that Hunt had told Colson to get the materials out of his—Hunt's—office safe.

Mr. Hugh Sloan called me to tell me he was worried. At that time I knew of no reason why Mr. Sloan should be worried so I told him not to worry. He told me that he would like to meet with me and I told him that I was trying to find out what had happened and requested we meet in a few days. I do not recall the precise date we did meet.

I next contacted Liddy and asked him to meet with me. He said he would come to my office. As he came into the office I was on my way out. I suggested we take a walk. It was shortly before noon and we walked down 17th Street toward the Corcoran Gallery.

I will try to reconstruct the conversation to the best of my memory. While I cannot recall every detail, I do indeed recall the major items we discussed.

Mr. Liddy told me that the men who had been arrested in the DNC were his men and he expressed concern about them. I asked him why he had men in the DNC and he told me that Magruder had pushed him into doing it. He told me that he had not wanted to do it, but Magruder had complained about the fact that they were not getting good information from a bug they had placed in the DNC sometime earlier. He then explained something about the steel structure of the Watergate Office Building that was inhibiting transmission of the bug and that they had gone into the building to correct this problem. He said that he had reported to Magruder that during the earlier entry of the DNC offices they had seen documents—which I believe he told me were either Government documents or classified documents—and Magruder had told him to make copies of those documents.

Liddy was very apologetic for the fact that they had been caught and that Mr. McCord was involved. He told me that he had used Mr. McCord only because Magruder had cut his budget so badly. I asked him why one of the men had a check from Mr. Howard Hunt and he told me that these men were friends of Hunt and Hunt had put him in touch with them. I do not recall Liddy discussing any further involvement of Hunt, other than Hunt's putting him in touch with the Cubans. I asked him if anyone from the White House was involved and he told me no.

As the conversation ended he again expressed his apology and his concern about the men in jail. I told him I couldn't help and he said he understood. He also told me that he was a soldier and would never talk. He said if anyone wished to shoot him on the street, he was ready. As we parted I said I would be unable to discuss this with him further. He said he understood and I returned to my office.

After returning to my office I arranged a meeting with Ehrlichman in his office for mid-afternoon. Gordon Strachan came to my office shortly after I had met with Liddy. Strachan told me that he had been

instructed by Haldeman to go through all of Mr. Haldeman's files over the weekend and remove and destroy damaging materials. He told me that this material included such matters as memorandums from the reelection committee, documents relating to wiretap information from the DNC, notes of meetings with Haldeman, and a document which reflected that Haldeman had instructed Magruder to transfer his intelligence gathering from Senator Muskie to Senator McGovern. Strachan told me his files were completely clean.

I spoke with Mr. Kleindienst and he told me that both the FBI and the D.C. Metropolitan Police were investigating, and he assumed that the FBI would take full jurisdiction of the case shortly. He also alluded to his encounter with Liddy at Burning Tree Country Club, but did not explain this in full until I later met with him. I do not have a record of when I met with Mr. Kleindienst, but it was either on Monday, the 19th, or the next day. I will describe that meeting shortly.

I met with Ehrlichman in the mid-afternoon and reported in full my conversation with Liddy. I also told Ehrlichman about the earlier meetings I had attended in Mitchell's office in late January and early February and my subsequent conversation with Haldeman. He told me he wanted to meet later with Colson and told me to attend. Ehrlichman also requested that I keep him advised and find out from the Justice Department on what was going on. I did not mention my conversation with Strachan because I assumed that Ehrlichman was aware of this from Haldeman himself.

Later that afternoon I attended a second meeting in Ehrlichman's office with Colson. I recall Ehrlichman asking where Hunt was. I said I had no idea and Colson made a similar statement. At that point, before the meeting had started, Ehrlichman instructed me to call Liddy to have him tell Hunt to get out of the country. I did this, without even thinking. Shortly after I made the call, however, I realized that no one in the White House should give such an instruction and raised the matter. A brief discussion ensued between Ehrlichman and myself. As I recall, Ehrlichman said that he was not a fugitive from justice, so why not. I said that I did not think it was very wise. At this point, Colson chimed in that he also thought it unwise and Ehrlichman agreed. I immediately called Liddy again to retract the request but he informed me that he had already passed the message and it might be too late to retract.

Following this brief telephone skirmish regarding Hunt's travel plans, the meeting turned to Hunt's status at the White House. I had learned from Fred Fielding, who I had asked to check on it, that Hunt had not drawn a check from his White House consultantship since late March of 1972. But as far as I knew, the records indicated that Hunt was still a White House consultant to Colson. After discussions of this by Colson, who at this point was disowning Hunt as a member of his staff, Ehrlichman called Mr. Bruce Kehrli and requested that he bring Hunt's personnel records up to Ehrlichman's office. Before Kehrli arrived, Colson raised the matter of Hunt's safe. Colson, without getting specific, said it was imperative that someone get the contents of Hunt's safe. Colson suggested, and Ehrlichman concurred, that I take custody of the contents of the safe.

I have more—mostly bits and pieces of information I would like to ask you about to sort of fill in.

On this business with Mr. Strachan, cleaning up the files, and his later shredding, I think he testified, as I recall, that later on during an airplane trip on Air Force One he brought up this question with you. Do you recall that?

Mr. HALDEMAN. No, sir. As I said, I don't recall a report from him. I don't recall requesting him to do—to clean up the files nor do I recall a report that he had done so.

Senator GURNEY. Did you ever discuss with Mr. Mitchell anything about the break-in or the coverup of Watergate? And now I am—of course, I know you did late this year, in March, but I am talking about earlier, after the break-in, or during 1972?

Mr. HALDEMAN. After the break-in I am sure there were discussions—there were discussions regarding the break-in and the ongoing developments in the Watergate case and I am certain that Mr. Mitchell was in some of those discussions. So the answer regarding the break-in would be yes.

Senator GURNEY. I should have phrased my question a little better. Did you ever discuss any matters with him that indicated to you that there was a coverup, is what I really intended to ask.

Mr. HALDEMAN. No, sir; I attempted in my statement to try to draw a distinction between what now is termed coverup, which I feel is a loose term, that is not maybe defined in each person's mind the same as in each other person's, and it has so generally come to mean the illegal acts that have been made forth here, that when you say coverup, if by coverup you mean any of the illegal actions that were or have been alleged to have been taken, then my answer would be very clearly no.

Senator GURNEY. I did intend that. I did intend to refine it to include the illegal actions.

Mr. Magruder worked for you as a staff man in the White House; did he not?

Mr. HALDEMAN. He did for a short period of time. He came in to the White House as a special assistant under my direct responsibility as a project man and continued in that role for approximately 4 months, I believe, at which time he moved over to Herb Klein's office as Deputy Director of Communications, which was a post he held for a year, over a year I believe, before he went to the reelection committee.

Senator GURNEY. Were you at all close to him during this period of time in the White House? Were you close personal friends, see a lot of each other?

Mr. HALDEMAN. No. He was a member of my staff. During the time he was a member of my staff and I saw him fairly frequently on a business basis but I had no social relationship with him.

Senator GURNEY. Did he do any reporting to you when he was in his capacity of the Committee To Re-Elect the President as deputy campaign director?

Mr. HALDEMAN. Some, yes; but he primarily reported to Mr. Mitchell and I dealt primarily with Mr. Mitchell on matters relating to the reelection committee.

Senator GURNEY. Again in any conversations that you had with Mr. Magruder in the year 1972, did you discuss any of the illegal aspects of the coverup of Watergate?

22. On June 20 or 21, 1972 Robert Mardian and Fred LaRue met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that he and Howard Hunt had developed the plans for entries into the DNC and the McGovern presidential campaign offices; that he, Hunt and others involved in the Watergate break-in had been previously involved in operations of the White House, specifically an entry into the offices of Daniel Ellsberg's psychiatrist; that Hunt had acted to make ITT lobbyist Dita Beard unavailable as a witness at the Senate Judiciary Committee hearings on the nomination of Richard Kleindienst to be Attorney General; and that he had shredded all new, serialized $100 bills in his possession and other evidence relating to the Watergate break-in. Later that day Mardian and LaRue met with John Mitchell and apprised him of their meeting with Liddy. Mitchell was told of Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist and of Hunt's earlier activities involving Dita Beard.

Page

22.1 Fred LaRue testimony, 6 SSC 2286-88, 2309, 2317-18..278

22.2 Robert Mardian testimony, 6 SSC 2357-63.....284

22.3 John Mitchell testimony, 4 SSC 1621-22, 1628, 1643-44, 1660.....291

35-780 O - 74 - 19

Mr. LaRue. It would be the following Monday. It would be, I think, the 19th of June.

Mr. Dash. All right. On that Monday in the evening, did you attend a meeting in Mr. Mitchell's Washington apartment at the Watergate?

Mr. LaRue. Mr. Mitchell's apartment?

Mr. Dash. Yes.

Mr. LaRue. Yes, sir.

Mr. Dash. Who was at this meeting?

Mr. LaRue. Mr. Mitchell was at the meeting, I was at the meeting, Mr. Mardian came to the meeting, Mr. Dean, and Mr. Magruder.

Mr. Dash. Now, could you tell us generally what the meeting was about and what discussion took place?

Mr. LaRue. Mr. Dash, I have no specific recollection of any of the discussions other than I would assume, and I am sure from the participants, that the discussion centered on the Watergate incident. The only specific incident that I recall was a discussion by Magruder of some sensitive files which he had, about my understanding relating to this incident, and that he was seeking advice about what to do about those files.

Mr. Dash. Now, did the term or the name "Gemstone" used at that time? Did he refer to it?

Mr. LaRue. If it was used, I do not recall it, no sir. It would not have meant anything to me, anyway.

Mr. Dash. Had you ever heard of that term "Gemstone"?

Mr. LaRue. Not at that time, no sir.

Mr. Dash. Is there a possibility it was used at that time?

Mr. LaRue. There is a possibility, but as I say, it would not have meant anything to me.

Mr. Dash. You say Mr. Magruder asked what he should do about these sensitive files?

Mr. LaRue. Yes, sir.

Mr. Dash. Did he get a response to that?

Mr. LaRue. As I remember, there was a response from Mr. Mitchell that it might be good if Mr. Magruder had a fire.

Mr. Dash. Who said that?

Mr. LaRue. As near as I can recall, Mr. Mitchell said that.

Mr. Dash. That it might be a good idea if he had a good fire in his house?

Mr. LaRue. Yes.

Mr. Dash. Do you recall in any discussion of the politically sensitive files that the information they involved was electronic surveillance?

Mr. LaRue. As I recall, there was a reference to files pertaining to electronic surveillance, yes, sir.

Mr. Dash. Is it true that at this meeting on June 19, 1972, where a discussion was had about these files and the recommendations that it would be good if Mr. Magruder had a good fire in his house, was one of the overt acts which is included in the information, the conspiracy of information to which you pleaded guilty, the June 19 meeting?

Mr. LaRue. Yes, sir; that is true.

Mr. Dash. Now, was there a meeting in your apartment on June 20, 1972?

Mr. LaRue. Yes, sir.

Mr. Dash. Could you tell us who was there?

Mr. LaRue. Mr. Mardian, Mr. Liddy and myself.

Mr. Dash. And what was discussed at that time? This is Mr. Gordon Liddy?

Mr. LaRue. Yes, that is correct.

This discussion centered around Mr. Liddy's knowledge and involvement in the break-in.

Mr. Dash. You say centered around his involvement. Could you be a little more specific? What did Mr. Liddy say? Was he there to tell you what had occurred?

Mr. LaRue. I don't know that he was there for that purpose, but this is what evolved.

Mr. Dash. Who set up the meeting?

Mr. LaRue. Mr. Mardian set up the meeting.

Mr. Dash. What did you understand, since it was in your apartment, that the meeting was to be about?

Mr. LaRue. My presence in the meeting occurred in this manner: Mr. Mardian came to me on that day and wanted to know if he could borrow my, use my apartment, that he had a meeting set up with Gordon Liddy. I told him that would be fine. I gave him the keys to my apartment, and I think at that time, he said, you might as well join me.

Mr. Dash. Where, by the way, is your apartment located?

Mr. LaRue. At that time, I was in Watergate West.

Mr. Dash. Now, you knew that, especially from what Mr. Magruder had told you on his telephone call with Mr. Liddy, that Mr. Liddy had been one of those who was involved in the break-in?

Mr. LaRue. No, Mr. Dash, I do not think that was discussed at that time.

Mr. Dash. Well, you said that Mr. Magruder went back and said there was trouble, there was a break-in, that that was the day they were going to go into Democratic national headquarters when Mr. Liddy was on the phone. When Mr. Magruder came back, didn't you say that Mr. Liddy had told Mr. Magruder about the break-in?

Mr. LaRue. Yes; but I don't think that at that time, Mr. Liddy had indicated any involvement of himself at that operation.

Mr. Dash. Did he mention Mr. McCord?

Mr. LaRue. He did mention Mr. McCord, yes, sir.

Mr. Dash. At that time, did he mention himself at your apartment on June 20?

Mr. LaRue. Yes, sir.

Mr. Dash. Could you tell us what he did say about his involvement?

Mr. LaRue. Mr. Liddy told us that he had recruited the five people that had been caught in the Democratic National Committee, that he had, he and Mr. Hunt had set up this operation, that he and Mr. Hunt were at a hotel room at the Watergate Hotel during the actual break-in. He described the listening post that they had across the street at the Howard Johnson's.

Mr. Dash. By the way, did he tell you about any other activity he had been engaged in for intelligence purposes or covert activities besides the break-in at the Watergate?

Mr. LaRue. Yes, he did.

Mr. Dash. Could you tell us what they did?

Mr. LaRue. Mr. Liddy mentioned that he had on other occasions been involved in incidents or operations for the White House, and he specifically mentioned the attempted burglary of the office of the psychiatrist of Mr. Ellsberg. He specifically mentioned another incident in which Mr. Hunt used a disguise, I think—this was in Denver, Colo., when Mrs. Dita Beard was in the hospital. Mr. Hunt used a disguise to surreptitiously enter the room and have a conversation with Mrs. Beard.

Mr. Dash. Do you recall any other incidents that he talked about?

Mr. LaRue. I don't recall any, no, sir.

Mr. Dash. Do you recall Mr. Liddy telling you or Mr. Mardian about his shooting out the lights around the McGovern headquarters?

Mr. LaRue. Yes, I do recall that.

Mr. Dash. That was during an unsuccessful attempt to break into McGovern headquarters?

Mr. LaRue. An unsuccessful attempt. He had shot out some lights, I think in an alley or someplace around McGovern headquarters.

Mr. Dash. Do you recall Mr. Liddy discussing at that time whether or not there was any possibility he might get caught or might get found out?

Mr. LaRue. Mr. Liddy assured us that he had conducted this operation in such a manner that it could not be traced to him, that we should not have any fears that any subsequent investigation would lead to him.

Mr. Dash. Nevertheless, did Mr. Liddy offer any type of punishment that he would be willing to accept for his failure in this case?

Mr. LaRue. Yes; Mr. Liddy assured us that in any event, he would never reveal any information about this in the course of any investigation, even if it led to him, but if we were not satisfied with that assurance, that though he was, I think, personally or morally opposed to suicide, that if we would instruct him to be on any street corner at any time, he would be there and we could have him assassinated.

Mr. Dash. In other words, he was willing to be rubbed out?

Mr. LaRue. Yes, sir.

Mr. Dash. I take it nobody took him up on his offer?

Mr. LaRue. Not that I know of, no, sir.

Mr. Dash. Now, the meeting was between you, Mardian, and Mr. Liddy in your apartment?

Mr. LaRue. Yes, sir.

Mr. Dash. Now, it was this meeting that you had with Mr. Liddy in which these revelations came from Mr. Liddy. Was this information reported to Mr. Mitchell?

Mr. LaRue. Yes, it was.

Mr. Dash. Do you recall when it was, by whom?

Mr. LaRue. The best of my recollection would be the same day, the afternoon or late evening of June 20.

Mr. Dash. What was Mr. Mitchell's reaction when he heard what you had to say?

Mr. LaRue. Well, he was—Mr. Mitchell is not a person that demonstrates a great deal of emotion about anything, Mr. Dash. I don't recall any specific reaction.

Mr. Dash. Now, did Mr. Liddy tell you who had approved the operation when he was telling you about the break-in at the Democratic National Committee headquarters, or any of the other activities?

Mr. LaRue. Senator, I stand on the fact that I do not know who made these commitments, no, sir.

Senator Talmadge. But you thought they ought to be carried out regardless of who made them and under what conditions?

Mr. LaRue. I thought that what?

Senator Talmadge. You thought they ought to be carried out regardless of who made them and totally unknown to you?

Mr. LaRue. I thought they ought to be carried out because of the consequences if they were not.

Senator Talmadge. Did you know anything about the break-in prior thereto?

Mr. LaRue. Pardon me, I am sorry.

Senator Talmadge. Did you know the break-in was planned prior to that time? Did you know that Liddy and his associates were going to break into the Watergate and commit burglary?

Mr. LaRue. No, sir.

Senator Talmadge. You did not?

Mr. LaRue. No, sir, I did not.

Senator Talmadge. Did Mr. Mitchell know?

Mr. LaRue. Not to my knowledge, no, sir.

Senator Talmadge. I believe you met with Mr. Liddy on June 20.

Mr. LaRue. Yes, sir.

Senator Talmadge. And you discussed various things. Did Mr. Liddy tell you at that time that he had shredded a number of documents?

Mr. LaRue. Yes, sir.

Senator Talmadge. Did he tell you the nature of those documents?

Mr. LaRue. He indicated that they were documents relating to the break-in, yes, sir.

Senator Talmadge. And they were in the files of the Committee To Re-Elect the President?

Mr. LaRue. They were in—my understanding is they were in his files, yes, sir.

Senator Talmadge. Now, I believe Mr. Mardian was present at that same conversation, was he not?

Mr. LaRue. Yes, sir.

Senator Talmadge. What was his reaction to this Liddy story that——

Mr. LaRue. What was Mr. Mardian's reaction?

Senator Talmadge. Yes.

Mr. LaRue. I think Mr. Mardian was—shared the same opinion I did. He was rather shocked by the revelations of what had been known, became known as the White House horrors, and I do not think he shared any enthusiasm that the investigation would eventually lead to Mr. Liddy.

Senator Talmadge. Did Mr. Liddy tell you at that time about the Ellsberg psychiatrist break-in?

Mr. LaRue. Yes, sir.

Senator Talmadge. Now, had not Mr. Mardian been in charge of the Internal Security Division of the Justice Department that was in charge of prosecuting the *Ellsberg* case?

Mr. LaRue. I do not know who was in charge of prosecuting it, Senator. Mr. Mardian, prior to his coming to the committee, was assistant attorney general in charge of Internal Security, yes, sir.

attempting to determine the amount of money that had been given to Mr. Liddy, and when I determined this amount of money I think I reported that to Mr. Mitchell.

Senator MONTOYA. But you are speaking of the period after June 17?

Mr. LARUE. After the break-in, yes, sir.

Senator MONTOYA. Did you have any discussion with Mr. Mitchell between January 17 or let us put it a little further, between April 1 and June 17 with respect to any disbursements to Mr. Liddy by Mr. Sloan?

Mr. LARUE. No, sir.

Senator MONTOYA. You did not.

Did you—but you did know that these disbursements were being made by Mr. Sloan to Mr. Liddy?

Mr. LARUE. No, sir, I did not.

Senator MONTOYA. Did you during this particular period converse with Mr. Magruder with respect to any disbursements to Mr. Liddy?

Mr. LARUE. No, sir, not that I can recall.

Mr. VINSON. Senator, may I interrupt. What period are you talking about?

Senator MONTOYA. Between the time that Mr. Mitchell took over, April 1 and June 17.

Mr. LARUE. No, sir, not that I can recall.

Senator MONTOYA. Now let us go to the meeting immediately after the break-in which occurred, I understand, in Mr. Mitchell's apartment on June 19, was that correct?

Mr. LARUE. Yes, sir.

Senator MONTOYA. Now, present at that meeting were you, Mr. Mardian, and who else?

Mr. LARUE. Mr. Magruder and Mr. Dean.

Senator MONTOYA. All right. Now, what was the main thrust of the discussion this particular evening?

Mr. LARUE. Senator, I can only assume that we had probably a wide discussion or a discussion of the numerous problems that were—we had encountered because of the Watergate break-in. I think I stated previously that I had a very hazy recollection of that meeting and specifically can only recall the discussion of the documents which Mr. Magruder had and the reference to the fact that he ought to have the fire.

Senator MONTOYA. Well, would you say that this meeting was a meeting of self-confession on the part of those present?

Mr. LARUE. No, sir.

Senator MONTOYA. As to what part they had played in this and what they knew?

Mr. LARUE. No, sir.

Senator MONTOYA. Well, what was it then? I understand that at this meeting you presented the information which Mr. Liddy had already imparted to someone?

Mr. LARUE. No, sir. That happened, that meeting with Mr. Liddy happened on June 20, the day after this meeting.

Senator MONTOYA. And then it was subsequent to the meeting with Mr. Liddy that—and, that another meeting was arranged at your apartment, is that correct? This was on June 20?

Mr. LaRue. The only meeting, Senator, that occurred that I had, that I can recall with Mr. Liddy would be on June 20 in my apartment. This was not, to my knowledge—this meeting was not set up—discussed at the June 19 meeting.

Senator Montoya. All right.

Now, on June 20, after you people met, what was discussed and what plan evolved from this particular meeting?

Mr. LaRue. Senator, could you be more specific about which meeting you are talking about? Are you talking about the meeting with Liddy or the meeting that Mardian and I had with Mr. Mitchell?

Senator Montoya. The meeting with—between you or among you—Mardian and Liddy?

Mr. LaRue. On June 20. Well, the topic discussion was Mr. Liddy's involvement in the Watergate break-in. I don't know of any—we discussed no plan of action.

Senator Montoya. Well, did you report any of the results of this meeting to Mr. Mitchell?

Mr. LaRue. Yes, sir.

Senator Montoya. How soon after?

Mr. LaRue. As I recall, that same day.

Senator Montoya. Immediately. Do you recall that Mr. Mitchell on that same evening at the hour of 6:08, I believe, called the President?

Mr. LaRue. Senator, I do not recall Mr. Mitchell calling the President. That is a possibility. I do not recall it, no, sir.

Senator Montoya. Well, I refer you now to the chart here, on the evening of June 20, at the hour of 6:08, it shows a telephone call to the President. Now, were you aware of this call?

Mr. LaRue. No, Senator, I cannot recall the call. Is that a call to the President or from the President?

Senator Montoya. It was a call to the President from Mr. Mitchell.

Mr. LaRue. I cannot recall the call, no, sir.

Senator Montoya. How late were you with Mr. Mitchell this particular evening?

Mr. LaRue. Senator, to the best of my recollection, probably until 10 o'clock.

Senator Montoya. Now, Mr. LaRue, during the course of these meetings there was no manifestation, or at least you have not related it, no manifestation of surprise on the part of any of you, you were merely trying to plan for the future because you knew by then that people in the CRP were involved. How did you arrive at this conclusion?

Mr. LaRue. That people in the CRP were involved?

Senator Montoya. Yes.

Mr. LaRue. Well, obviously the first fact, Senator, that Mr. McCord had been arrested in the DNC; Mr. Liddy's account of his involvement to Mr. Mardian and I; my conversations with Mr. Magruder.

Senator Montoya. Now, did Mr. Magruder relate to you subsequent to the—immediately subsequent to the first call in California, as to Mr. Liddy's involvement in this particular thing?

Mr. LaRue. No, sir, not at that time, as I recall. There was no discussion of Mr. Liddy's involvement.

Senator Montoya. Did you, before you left California, know of this particular involvement?

Mr. MARDIAN. I think I would have recalled such a discussion had it taken place in my presence.

Mr. HAMILTON. Well, are you aware of any testimony by Mr. LaRue and Mr. Magruder that you left the meeting before destruction of the Gemstone file?

Mr. MARDIAN. I don't think anybody asked that question and I don't think anybody asked Mr. LaRue when I arrived. Maybe they did. I don't know.

Mr. HAMILTON. But you know of no statement by Magruder or LaRue here or otherwise that you were not present at this meeting when the destruction of the Gemstone file took place?

Mr. MARDIAN. Well, I haven't talked to them.

Mr. HAMILTON. Mr. Mardian, did you, in the several days following June 19, have an occasion to interview Mr. Liddy?

Mr. MARDIAN. Yes.

Mr. HAMILTON. And who else was present in this interview?

Mr. MARDIAN. Mr. Fred LaRue.

Mr. HAMILTON. Mr. LaRue testified at page 4595 that this meeting was on June 20. Do you concur in that testimony?

Mr. MARDIAN. No. And I might state that there is doubt in my mind as to the date of that meeting. I originally, in response to questions put to me by the U.S. attorneys fixed the date of that meeting as the 21st or 22d. They told me that the meeting took place on the 20th. We finally settled on the 20th or 21st, and I believe I told your committee that it was the 20th or 21st. In checking my records I would have to say that the meeting took place on the morning of—and again I could be mistaken, the morning of June 21.

Mr. HAMILTON. What is there in your records, Mr. Mardian, that indicates to you that the meeting took place on this day?

Mr. MARDIAN. On the worksheet that has been turned over to your committee, I note that I got a call from Gordon Liddy and it coincides with my earliest recollection that I did not meet with Mr. Liddy at least on the first day of my return. I am not saying that that is absolute, I am just—my earliest recollection was the 21st or 22d, and I think I have testified that it could be the 20th or 21st but I would have to say that it was the 21st.

Mr. HAMILTON. Is it your recollection that this meeting with Mr. Liddy took place on the morning of the 21st?

Mr. MARDIAN. This is purely a surmise based upon that call. It looks to be the first call that I noted, and my recollection is he said he was leaving that day for Los Angeles.

Mr. HAMILTON. I notice in your diary that there are numerous meetings scheduled on June 21st, one at 8; one at 8:30; one at 9:30; one at 10; one at 11; and one at 12, that appears to have been canceled. Would this heavy load on the morning of the 21st suggest to you that perhaps the meeting took place on the 20th?

Mr. MARDIAN. That crossmark does not indicate a cancellation. I think you will find that crossmark on every Monday, Wednesday, and Friday, which was the time I was supposed to exercise, which I did not.

I note that the meeting—there is one, for instance, with a gentleman at 8:30 and then another one at 10 o'clock. I do not think I met with that gentleman twice on that day. One appears to be a reschedul-

ing, and the fact that I have it noted in my book does not mean that I kept the appointment.

I am trying to give you the best, my best recollection.

Mr. HAMILTON. How did this meeting come about, Mr. Mardian?

Mr. MARDIAN. Well, my recollection differs with that of Mr. LaRue. Again, Mr. LaRue could be right. My recollection was that Mr. LaRue told me Mr. Liddy wanted to talk to me. I do not recall whether it was Mr. LaRue that told me this or Mr. Liddy to come to my office. Mr. Liddy was reluctant to come to my office. He wanted to meet some place else, and we met in Mr. LaRue's apartment. I believe that, more than anything else, was the basis for my belief that it was Mr. LaRue that arranged for the meeting and indicated we could meet in his apartment.

Mr. HAMILTON. Mr. Mardian, I wondered in your own words if you would, in some detail, tell us what occurred at this meeting and tell us what information Mr. Liddy imparted to you?

Mr. MARDIAN. My recollection is pretty vivid. I may forget some of the items that he disclosed to me, but I will try not to.

We arrived, Mr. LaRue and I arrived at his apartment and soon thereafter, Mr. Liddy came into the room. The first thing he asked Mr. LaRue was whether or not he had a radio. Mr. LaRue indicated a radio which was in the corner of the living room. Mr. Liddy went over and turned the radio on and asked me to sit by the radio in a chair, and he sat in a couch, as I recall, that was next to an end table that the radio was on.

He apologized to me by saying something to the effect that it is not that I do not trust you, but this conversation cannot be recorded. My inference from that was he thought I had some kind of a device on me, possibly something in the room, I do not know.

And again, I am going to have to say that I do not recall the sequence of events in which he related these things to me. But I do recall that he said that he wanted to hire me as his lawyer, as his personal attorney. I told him that I was acting as attorney for the committee and that I could not relieve myself of that responsibility to represent him. He then said it was imperative that he be able to talk to me in confidence and that under no circumstances could I disclose what he told me.

I told him that since he was an employee of the committee and I was acting as attorney for the committee, he could talk to me as a client to a lawyer and that I would maintain his confidence, but that I would have to be at liberty to disclose what he told me to Mr. Mitchell. At first, I believe he demurred, and I told him that was the only basis on which I could talk to him.

One of the things that he told me was that he had a message from Mr. Hunt, that Mr. Hunt felt that it was the committee's obligation to provide bail money to get his men out of jail. At that time, these people were incarcerated in the District of Columbia Jail.

I was interested in finding out what had occurred and I interrogated him as to the events of the evening of January 16—June 16, the morning of the 17th. And he related to me what had occurred about the break-in, told me that they had planned, as I recall, to break into the McGovern headquarters that same night.

About the arrest of the five people, Mr. McCord and the others, their flight, he indicated to me that there was nothing to fear, because the only person that could identify Mr. Liddy was Mr. McCord and Mr. McCord would not divulge his identity, that the Cuban-Americans were old soldiers who had worked in the CIA with Mr. Hunt since the Bay of Pigs, and that they would never under any circumstances disclose Mr. Hunt's identity, and that the committee had nothing to fear in that regard.

I told him that, based upon what he had related to me, the events of that evening, one of which included, as I recall, his sitting on the shoulders of one of the men at a distance—I don't recall, some 300 feet or 300 yards—shooting out a light behind the Democratic Committee headquarters. I pointed out to him that a person that he was that intimate with would certainly be able to identify him, pointed out that he had spent, that he had told us he had spent some time in the room with these people in their hotel room, they had eaten, that his fingerprints would be all over the place. He kept insisting that there was no chance that he would be identified.

I tried to convince him he would be identified, that his best bet was to give himself up rather than try to wait for them to arrest him.

He discounted this possibility. He did, after some discussion, indicate that it was possible that he could be arrested, but I inquired of him as to the—because of the news accounts of the arrest and the apparent bungled effort, the possibility that someone in the group had had it in mind that they would be arrested, to embarrass the Committee To Re-Elect the President. He discounted this completely by saying that this group had been operating together for some considerable period of time, that they were all real pros, that they had engaged in numerous jobs. And when I asked him what kind of jobs, he said, we pulled two right under your nose.

I inquired as to what he meant by that, and he said that they had invaded the office of the psychiatrist of Dr. Ellsberg and that they were the ones who got Dita Beard out of town.

I expressed my strong displeasure with respect to—I pointed out that the worst thing that had happened in the hearings was that Dita Beard disappeared.

I asked him because of the Ellsberg break-in what, if anything, they had obtained? He told me that they had obtained nothing, that they had searched all the files and couldn't find his record.

I asked him on whose authority he was operating, and I wish to be very careful here, because I don't know that he used the name of the President, but the words he did use were clearly meant too imply that he was acting on the express authority of the President of the United States, with the assistance of the Central Intelligence Agency.

I made some notes of—oh, I asked him what information they had obtained. He told me that the purpose of making this entry, that this entry was not of his doing, that neither he nor Mr. Hunt thought it was a good idea, that they had obtained nothing from the bug that they had previously implanted in the place. He told me that the only thing they had ascertained from that bug was the fact that somebody at the Democratic National Committee was talking to somebody at the—was talking to the people or a person at the Committee To Re-

Elect the President, that although he and Mr. Hunt were against the entry, that Mr. Magruder——

Senator BAKER [presiding]. Would you suspend for just a minute, Mr. Witness?

Anybody who wants to leave the room should do so now so we don't have disruption of the witness' testimony. And would the officer close the door, please, for quiet in the witness room.

Would you please proceed?

Mr. MARDIAN. I think I was explaining that neither he nor Mr. Hunt felt that any additional entries would be fruitful, but that he had, they had made the entry at the insistence of Mr. Magruder.

I recall again inquiring as to why the stupid adventure. It seems to me to be the most ridiculous thing I had ever heard of. As a politician, or as a person that had had political experience, I couldn't understand what they would hope to get out of the Democratic national headquarters before they even had a candidate, much less afterward. Party headquarters, at least Republican Party headquarters, are very sterile during this period of time.

He could not answer the question for me other than to say that he was carrying out his orders.

Mr. HAMILTON. Mr. Mardian, did Mr. Liddy mention what type of budget he was operating under?

Mr. MARDIAN. I was asked a question about the budget this morning, and I responded both to you and to the chairman, and I stated——

Senator ERVIN. Excuse me, I have to interrupt this. It appears that a hoax has been perpetrated upon the committee, at least upon the chairman of the committee.

I was called to the telephone just before the lunch period and I was told before I went to the telephone that Secretary of the Treasury Shultz was calling and wanted to speak to me. I went to the telephone and a voice at the other end of the line informed me that it was Secretary of the Treasury Shultz. I am not familiar enough with the voice of the Secretary to be able to identify it and so I just assumed that the person at the other end of the line was Secretary Shultz, and he made the statement which I reported to the committee and the news media on this microphone.

In the meantime, there has been communications between White House counsel, Mr. Garment, and the staff, and Mr. Garment professed ignorance of any matters of that kind and, as I understand, an investigation was made, and Secretary Shultz was contacted and Secretary Shultz stated that he had no such conversation. So I had his office called and asked that he be placed on the phone, and so I was informed a few minutes ago—the reason I put it this way is because I hate to have my faith shattered in humanity—but I was called to the phone and I was informed that Secretary Shultz was indeed on the phone. I went to the phone and had a conversation with the man who really assured me he was the real Secretary Shultz [laughter] and he informed me that he had had no conversation with me today; that whoever did it was somebody else; that the only conversation he had with me recently by telephone was when he called me yesterday to tell me something about the White House and the witnesses from the Secret Service.

So it is just an awful thing for a very trusting soul like me to find that there are human beings, if you can call them such, who would perpetrate a hoax like this.

Additional information which I received from counsel, and which counsel assures me that they have received by telephone, and not in person, and which they believe was received from White House counsel is to the effect that the President has the request of the committee under advisement and will reach some decision about it early next week. So notwithstanding the fact that my trust in humanity has been grossly abused by someone I am going to—and notwithstanding the fact that some people think the telephone is an instrument of the devil anyway [laughter] I am going to assume that the information which counsel received at one end of a telephone line from somebody at the other end was indeed information conveyed to them by White House counsel and that the recent information is correct.

Senator BAKER. Mr. Chairman, it would be helpful if we could have found a secure telephone [laughter] but in any event, too, I would view with great distaste the apparent hoax that has been perpetrated on the committee. The fact that it was received here on a confidential phone number in the committee room would seem to lend credence at the first blush, and I can fully understand the transaction as it has transpired.

I would say for the record, however, that the thanks I expressed and the admiration I expressed for the accommodation of both parties still stands as an advance payment on what I hope will still happen.

Senator ERVIN. I would add that the commendation I visited upon the committee members would still stand and I would like to expand it to include both the majority and the minority staff members. And I trust that nobody in the future will attempt to deceive and mislead a trusting and unsuspicious individual like the chairman of this committee in any such fashion [laughter]. In other words, the counsel suggests that we have had some talk about dirty tricks. I think it is a unanimous opinion of this committee that this was a right dirty trick. [Laughter.]

Mr. HAMILTON. Mr. Mardian, I believe a minute ago we were talking about what Mr. Liddy told you about the budget that he was operating under.

Mr. MARDIAN. I think I responded to that earlier this morning. I mentioned the budget matter in a conversation with Mr. Mitchell present in California. It is possible that that subject came up after my discussion with Mr. Liddy because Mr. Liddy told me and it may have been for the first time, that he was operating under a budget approved by Mr. Mitchell and the White House during that June 21 meeting, if it is the 21st.

Mr. HAMILTON. Just to make the record clear, Mr. Mardian, did Mr. Liddy also say to you that the operations that he had been involved in such as the Ellsberg burglary and the Dita Beard incident had the approval of the President and the CIA. Is that a correct paraphrase, and if not, please correct me.

Mr. MARDIAN. As I told you before, the staff, I don't recall. I can't say that he said the President of the United States, but the words he used or the word he used were meant to imply that, and that is the impression he left with me.

Mr. HAMILTON. That they had been approved by the President, that was your impression?

Mr. MARDIAN. Yes, sir.

Mr. HAMILTON. Now, did Mr. Liddy mention to you that he had shredded any documents?

Mr. MARDIAN. Yes, in trying to demonstrate to me that there was no way of tracing him he told me he had shredded every bit of evidence that would have linked him to this operation as well as all of the other operations. He told me he had even gone home—he has a habit, he told me, or a hobby, I should say, of collecting soap from the various hotels. [Laughter.]

He had taken the soap wrappers off and shredded all the soap wrappers.

He also told me that during this process he had shredded all of the $100 bills that he had in his possession that were new and serialized.

Mr. HAMILTON. Before I move on, have we exhausted the contents of this meeting to the best of your recollection?

Mr. MARDIAN. Yes, Mr. LaRue reminded me of another, he told us quite a bit that morning, and it may seem comical now. It certainly didn't seem comical to us at the time. He did make the statement that the committee could be assured that he would never talk and if they doubted that, as Mr. LaRue testified, if we would just tell him what corner to stand on he was ready to be assassinated.

Mr. HAMILTON. What did you do with this information, Mr. Mardian?

Mr. MARDIAN. I went immediately—as soon as I could get access to Mr. Mitchell I disclosed to him—I may not have disclosed all of this to him but——

Mr. HAMILTON. And you think it was the same day that you reported to Mr. Mitchell?

Mr. MARDIAN. Yes, my counsel advises me that despite my notes I neglected to tell you a very important part of another aspect of what he told me.

In explaining to me that they were a purely professional outfit, he told me that Mr. Hunt was the planner of the Bay of Pigs, the chief planner, as I recall, that he was extremely popular, I think he said, like a God in the Cuban community of Miami, that this was an explanation of why these Cuban-Americans would follow him to death, and that no one would disclose anything as far as they were concerned, they were absolutely loyal, worked with him for a number of years, had been working with them in these operations, that—and I don't wish to bring anybody else into it by implication, but he said that the—one of his friends in the Cuban community and one of the leaders was a particular person, I am not sure, and if I use the identification I may be identifying the wrong person, because at staff meetings I heard some of the staff members start mentioning some names and I am not even sure that the person was of the character that I described but he was extremely wealthy, and I told Mr. Liddy that I did not think Mr. Mitchell would approve the use of committee funds to bail out the defendants and he should so advise Mr. Hunt, and that it seemed to me that if Mr. Hunt had such good connections in the Miami community that they should look to that community for the bail money.

Mr. HAMILTON. When you spoke to Mr. Mitchell did you transmit this request for bail money to Mr. Mitchell?

Mr. MARDIAN. Included among all of the other matters that I related.

Mr. HAMILTON. More specifically, in regard to the bail money, what was Mr. Mitchell's reaction?

Mr. MARDIAN. Mr. Mitchell told me that under no circumstances would bail money be forthcoming, and for me to call Mr. Liddy and tell him. And I did so.

Mr. HAMILTON. Will you tell us the rest of your conversation with Mr. Mitchell? I don't want you to repeat everything that you told Mr. Liddy, but I would like to know what Mr. Mitchell said to you.

Mr. MARDIAN. I can't recall—oh, he asked me if Mr. Liddy—I might say that Mr. Mitchell appeared to be as sincerely shocked as I was when I got this information. He asked me if Mr. Liddy had disclosed any other of the activities of this group that had been arrested, Mr. Hunt and himself, and I told him that he had not, he had not disclosed any others to me.

Mr. HAMILTON. Did Mr. Mitchell confirm or deny that he had approved the budget for Mr. Liddy's operation?

Mr. MARDIAN. I don't think he did.

Mr. HAMILTON. He made no comment in any way as to whether or not he had approved the budget?

Mr. MARDIAN. Not at that time. That discussion took place later.

Mr. HAMILTON. A discussion on whether he had approved the budget took place later?

Mr. MARDIAN. Well, the discussion didn't start out in that vein. It took place when I confronted Mr. Magruder. I asked Mr. Magruder in the presence of Mr. Mitchell, I believe the next day, or as soon thereafter as I could, how much money he had given Mr. Liddy in addition, I forget the general nature of the entire conversation, I asked him whether he directed Mr. Liddy to go in there. He denied it. I asked him how much money he had given Mr. Liddy. He said he had authorized Mr. Sloan to give Mr. Liddy $40,000. I asked him what he thought the $40,000 was for. It seemed to me a sizable sum of money. Mr. Mitchell expressed the same concern and wanted to know, you know, how he could have spent $40,000 already because the campaign had just started.

Mr. Magruder lied to Mr. Mitchell that he had authorized $250,000, and this seemed but a very small part of that sum. That is how the $250,000 budget matter came up.

Mr. HAMILTON. At some occasion during that week wasn't there a discussion between Mr. Magruder and Mr. Sloan as to the actual amount that had been approved?

Mr. MARDIAN. I was not—I don't recall being present at that discussion other than the—it has been testified that I confronted the two of them in Mr. Mitchell's presence, that may very well have occurred. I don't have a present recollection. But after talking with Mr. Magruder I then interrogated Mr. Sloan. Mr. Sloan told me that he had been authorized by Mr. Magruder to disburse in the neighborhood of $200,000 which shocked me even further. I asked him if he was sure of the amount. He said he had not calculated the exact amount but that it was his opinion that it was in the neighborhood of $200,000 that he had already disbursed.

Mr. DASH. All right, now, Mr. Mitchell, where and when did you first learn of the break-in of the Democratic National Committee headquarters that took place on June 17, 1972?

Mr. MITCHELL. Well, I was in California for the weekend on an extensive round of activities and, to the best of my recollection, Mr. Dash, it was on Saturday morning. I am not sure who the individual was who told me. We were, I was, moving with Governor Reagan from a hotel to a place where there was a series of political meetings, to the best of my recollection, when I arrived there I was advised of it. There was considerable concern about the matter because I was holding a press conference out there, and we did not know what the circumstances were. I believe that by that time that they had—Mr. McCord, his name had surfaced or Mrs. McCord had called somebody at the committee about it, and obviously, there was an involvement in the Committee To Re-Elect the President.

Mr. DASH. What, if anything, did you do, while still in California?

Mr. MITCHELL. While in California? I did a number of things. First of all, I continued to carry out the schedule that I had there which was quite extensive for 2 days. I asked the people, particularly Mr. Mardian who was there, to get as much information about it as he could. I put out a statement to the effect that, I do not know whether it went out there or after we came back, to the effect that we did not understand this, that Mr. McCord was one of our employees, he also had a separate consulting firm, that it was basically an attempt to carry on the extensive schedule that I had which, of course, is in the book that you are well aware about and, at the same time, trying to get information as to what had happened back in the District of Columbia.

Mr. DASH. At that time, out in California, did it ever cross your mind when you read about this that perhaps the Liddy plan had been put in operation?

Mr. MITCHELL. Well, that had crossed my mind but the players were different and, of course, there was a lot of discussion about CIA and because of the Cuban Americans who were involved in it. It wasn't until actually later on that it struck home to me that this could have been the same operation that had a genesis back in the earlier conversation.

Mr. DASH. Well then, after you returned from California, and I understand that was on June 19, 1972.

Mr. MITCHELL. Yes, sir, it was.

Mr. DASH. When and how were you briefed as to what actually happened in this matter?

Mr. MITCHELL. Well, how was I briefed as to what actually happened?

Mr. DASH. Yes.

Mr. MITCHELL. Well, that is such a broad statement that I could tell you for the next 6 months I was being briefed on it.

Mr. DASH. I mean, let's take the——

Mr. MITCHELL. Excuse me, Mr. Dash, you are asking the questions.

Mr. DASH. That is all right. I think you were about ready to give me a shorter answer than a longer answer.

Mr. MITCHELL. Well, I was giving you a shorter answer to the fact that the first so-called briefing on what had happened, and you used the word "actually" which I will have to omit from that for the time

being because I have never quite got to the bottom of it, was after Mr. Mardian and Mr. LaRue had met with Mr. Liddy and Mr. Liddy provided them with quite an extensive story on Mr. Liddy's activities.

Mr. DASH. Will you tell us briefly what that extensive story included?

Mr. MITCHELL. Well, it included the fact that he was involved with other individuals in the Watergate activity, that he had also made surveillance of McGovern headquarters, I believe it was, and that he had previously, as part of what has since become known as the Plumbers group, acted extensively in certain areas while he was at the White House in connection with the Ellsberg matter, in the Dita Beard matter and a few of the other little gems.

Mr. DASH. When you say the Ellsberg matter what specifically are you referring to?

Mr. MITCHELL. Well, I am referring to, well, it certainly wasn't the prosecution.

Mr. DASH. No.

Mr. MITCHELL. Obviously it had to do with the surreptitious entry of the doctor's office in California.

Mr. DASH. And when you refer to the Dita Beard matter what specifically did you learn through Mr. LaRue and Mr. Mardian?

Mr. MITCHELL. Well, if my recollection is correct he was assisting in spiriting her out of wherever they spirited her out of, either New York or Washington.

Mr. DASH. Was there a meeting in your apartment on the evening that you arrived in Washington on June 19, attended by Mr. LaRue, Mr. Mardian, Mr. Dean, Mr. Magruder——

Mr. MITCHELL. Magruder and myself, that is correct.

Mr. DASH. Do you recall the purpose of that meeting, the discussion that took place there?

Mr. MITCHELL. I recall that we had been traveling all day and, of course, we had very little information about what the current status was of the entry of the Democratic National Committee, and we met at the apartment to discuss it. They were, of course, clamoring for a response from the committee because of Mr. McCord's involvement, et cetera, and we had quite a general discussion of the subject matter.

Mr. DASH. Do you recall any discussion of the so-called either Gemstone files or wiretapping files that you had in your possession?

Mr. MITCHELL. No; I had not heard of the Gemstone files as of that meeting and, as of that date, I had not heard that anybody there at that particular meeting knew of the wiretapping aspects of that or had any connection with it.

Mr. DASH. Did either you or anybody in your presence at that meeting discuss Mr. Liddy having a good fire at his house?

Mr. MITCHELL. Not in my recollection was there any discussion of destruction of documents at that meeting.

Mr. DASH. You are aware of the testimony of Mr. Magruder that he did get the idea to destroy the documents and he did in fact burn the Gemstone documents?

Mr. MITCHELL. I am aware of his testimony and I think his testimony was one of these general things "It was decided that" or something to that effect but, to my recollection, there was no such discussion of it.

I know the individual, I know his reactions to things, and I have a very strong feeling that during the period of time in which I was in association with him and did talk to him on the telephone, that I just do not believe that he had that information or had that knowledge; otherwise, I think the type of conversations we had would have brought it out.

Mr. DASH. Generally, is it fair to say that much of your opinion that you express is based on your faith in the President and your knowledge of the man, rather than any specific statement the President made to you or that you made to the President?

Mr. MITCHELL. Well, I subscribe to the first two. I do have faith in the President and I do think I have knowledge of the man and I do think there were enough discussions in the area, in the general area, to the point where I think the general subject matter would have come out if the President had had knowledge.

Mr. DASH. Well, now, Mr. Mitchell, you did become aware, as you have indicated, somewhere around June 21 or 22, when you were briefed or debriefed by Mr. LaRue and Mr. Mardian about the so-called—as you described it, the White House horrors of the Liddy operation and the break-in. Did you, yourself, as the President's adviser and counselor, tell the President what you knew or what you learned?

Mr. MITCHELL. No, sir, I did not.

Mr. DASH. Why didn't you?

Mr. MITCHELL. Because I did not believe that it was appropriate for him to have that type of knowledge, because I knew the actions that he would take and it would be most detrimental to his political campaign.

Mr. DASH. Could it have been actually helpful or healthy, do you think?

Mr. MITCHELL. That was not my opinion at the particular time. He was not involved; it wasn't a question of deceiving the public as far as Richard Nixon was concerned, and it was the other people that were involved in connection with these activities, both in the White House horrors and the Watergate. I believed at that particular time, and maybe in retrospect, I was wrong, but it occurred to me that the best thing to do was just to keep the lid on through the election.

Mr. DASH. Then it is your testimony that you in fact did not say anything to the President at that time——

Mr. MITCHELL. No, sir, I did not.

Mr. DASH. So whether the President had any knowledge of it, it certainly couldn't have come from, his lack of knowledge or knowledge, from any statement that you made to him?

Mr. MITCHELL. That is correct, Mr. Dash.

Mr. DASH. Now, were you aware of the fact that actually prior to Magruder's testimony, Mr. Dean rehearsed Mr. Magruder for his testimony before the grand jury?

Mr. MITCHELL. I do not recall that, Mr. Dash, if you are talking about the testimony that took place on the——

Mr. DASH. In August.

Mr. MITCHELL. In August, the second appearance.

Mr. DASH. The second appearance.

35-780 O - 74 - 20

and as to what the circumstances might be vis-a-vis the incumbent who was seeking reelection.

Mr. THOMPSON. Mr. Mitchell, let me ask you about another point. Here is an excerpt from the civil deposition which you gave in the Democratic Party suit against the Committee To Re-Elect the President and I think I am quoting you verbatim in your testimony, when you were asked this question: "Was there ever any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance of the Democratic National Committee headquarters?"

Your answer was: "No, sir, I can't imagine a less productive activity than that."

Is that a correct——

Mr. MITCHELL. I think the total context, as I remember it, Mr. Thompson, had to do with the discussion of Mr. McCord and the security group. The answer was given in that context.

Mr. THOMPSON. But this particular question, "Was there ever any discussion at which you were present"—and of course, I assume just from reading this question that that would involve any discussion with anyone. Are you saying that it is not your understanding of it?

Mr. MITCHELL. My recollection of the testimony that I gave had to do with the so-called security group in the Committee To Re-Elect the President which discussed Mr. McCord and the security group. And the answer was in response to that, to my recollection.

Mr. THOMPSON. Of course, as it reads, as I have read it, of course, it is not an accurate response?

Mr. MITCHELL. No, I say as you read it, but I think if you will look at the total context of the questioning, it referred to the security group that involved Mr. McCord which was the subject of the conversation.

Mr. THOMPSON. Were you not asked any other broader questions about any knowledge you might have had of any surveillance activities?

Mr. MITCHELL. I was asked broader questions with respect to did I ever receive documents that I could identify as coming from electronic surveillance and broad questions like that.

Mr. THOMPSON. Do you recall any broader questions concerning conversations that you had?

Mr. MITCHELL. No, sir, I do not.

Mr. THOMPSON. Is it just a case of not having asked you the right question?

Mr. MITCHELL. I think that that is the case.

Mr. THOMPSON. Let me refer to June 19 or 20, I am not quite sure when it was, Mr. Mitchell. As I understand it, Mardian and LaRue debriefed Liddy and found out what he knew about the break-in, his involvement, and the involvement of others. And at that time, he related to them some of the White House horror stories. I believe you characterized them as, the plumbers activities and so forth. I will go back to that in a minute, but as I understand your testimony this morning, the knowledge you got from that debriefing was really the reason why you, in effect, stood by while Mr. Magruder was preparing a story which, according to what you knew from Liddy, was going to be a false story, to present to the grand jury.

Mr. MITCHELL. Along, Mr. Thompson, with some of the other stories that Mr. Dean brought forward to him, the Diem papers and the suspected extracurricular wiretapping, and a few of the others.

Mr. THOMPSON. OK. That caused you to take that position with regard to Magruder. And also, I assume that those factors were the reasons why you, in effect, acquiesced, anyway, in the payments to the families of support money and lawyers' fees and that sort of thing, which I am sure you realize could have been pretty embarrassing, to say the least, if not illegal, at that time. Would that be correct as far as your motivations are concerned?

Mr. MITCHELL. That is a correct summary of my motivation and rationale for the actions that I did take.

Mr. THOMPSON. Do you recall the date on which Mr. Mardian and Mr. LaRue related this conversation of Liddy's to you?

Mr. MITCHELL. Well, he certainly didn't debrief them on the 19th, I am sure of that, because they were in transit. Whether it was the 20th or 21st, I am not certain.

Mr. THOMPSON. Did they talk to you the same day they talked to him?

Mr. MITCHELL. My recollection is they talked to me the next day, but I am not certain about that, either. But in any event, it was in the time frame of the 21st or 22d, to the best of my recollection.

Mr. THOMPSON. Can you recall in a little more detail what they said that Liddy had related to them? You have already mentioned the fact that Liddy said that Magruder had pushed him in the break-in at the Ellsberg psychiatrist's office, I believe, and the Dita Beard situation.

What did Liddy supposedly say with regard to the Dita Beard situation? What did he supposedly know about White House involvement?

Mr. MITCHELL. To the best of my recollection, and, of course, I have heard these horror stories in different versions from different people over the period of the years, the fact that he was either the one or assisted in spiriting her out of town, I believe was the discussion at that particular time.

Mr. THOMPSON. Did he indicate, according to them, that the budget for the electronic surveillance operation which led to the break-in of the DNC had been approved by the White House?

Mr. MITCHELL. You are testing my memory pretty hard. I am inclined to think that he did say that, but this is a—not that he said it, but that Mardian or LaRue reported to me that he had said it. But you are testing my memory pretty hard on a substance of which I have heard dozens and dozens of repetitions of it.

Mr. THOMPSON. Did you ever verify any of these facts with the President?

Mr. MITCHELL. No, sir, I never discussed them with the President.

Mr. THOMPSON. Did you ever verify any of them wtih Mr. Haldeman?

Mr. MITCHELL. I never discussed those specific factors with Mr. Haldeman until a later date. It was at that time that Mr. Dean was acting as a liaison between the White House and the committee with respect to these matters.

Mr. THOMPSON. Did you ever talk directly with Ehrlichman about these matters?

it was then that Mardian hit him on the back to buck him up and I don't want to take credit for this statement that was reported by me to be made that when the going gets tough the tough get going. It was Senator Muskie who had said it just a couple of days before it happened.

Senator TALMADGE. You did not make any such statement, is that correct?

Mr. MITCHELL. I made the statement and I made it in the context——

Senator TALMADGE. You did not quote Senator Muskie as being the author thereof?

Mr. MITCHELL. I did indeed in connection with respect to the nature of the tough campaign he had and the one that we were having.

Senator TALMADGE. Were you saying that for Mr. Sloan's benefit at that particular time?

Mr. MITCHELL. I was saying it for the total people there who were in a hell of a knock-down-drag-out donnybrook over what they could not agree on.

Now, the sequence is shown by my log that after that meeting Mr. Sloan apparently went back to Mr. Stans, who had received the information about the Liddy payments the day before, I believe, on June 23, Mr. Stans called me, and Mr. Stans came up and saw me alone. There was not any Jeb Magruder and there was not any Mardian in the meeting that according to Magruder I asked Mardian to step out so that I could discuss the matter. That would be the last thing in the world I would do because Mardian was investigating the circumstances at the time.

Senator TALMADGE. Was that the first—excuse me.

Mr. MITCHELL. I am going into this because Mr. Stans' credibility with respect to his knowledge of the Watergate was quite severely impugned apparently more severely in the executive committee meeting by Magruder than it was later in public testimony.

Senator TALMADGE. Was that the first time you had knowledge of the Watergate break-in, bugging that day, that conversation?

Mr. MITCHELL. On the 24th?

Senator TALMADGE. Yes.

Mr. MITCHELL. No, my——

Senator TALMADGE. That was the first time you were debriefed on it, was it not?

Mr. MITCHELL. No, I had been debriefed, Senator, as I mentioned a little earlier, either on the 21st or 22d.

Senator TALMADGE. Did you get full details of it at that time?

Mr. MITCHELL. It was coming from Liddy who was, as I went through with Mr. Thompson, was involving Magruder and said that he got his approval in the White House and a lot of things that——

Senator TALMADGE. Did he say who authorized the approval in the White House?

Mr. MITCHELL. No, he did not. No, he did not.

Senator TALMADGE. The White House was definitely interested in the campaign, of course, was it not?

Mr. MITCHELL. The campaign what, Senator?

Senator TALMADGE. The campaign for reelection.

23. Shortly after Hunt's involvement in the Watergate matter became known, a White House telephone list bearing Howard Hunt's name and phone extension was recalled and the list was re-issued, deleting Hunt.

Page

23.1 Statement of CIA employee, January 17, 1974 (received from CIA).....298

23.1 CIA EMPLOYEE STATEMENT, JANUARY 17, 1974

17 Janu[illegible] 1974

My secretary, Mrs.) 19 , and I frequently speculated about the possible involvement of Howard Hunt and the Watergate affair and the possible involvement of the Agency. I was aware that Hunt had frequently transmitted sealed envelopes via our office to the Agency. We had receipts for these envelopes but were unaware of the contents. However, Mr. 20 who had temporarily occupied my post during the illness of my predecessor, 21 and had been on hand to "break in" my immediate predecessor, 22 (who held the post for 30 days), had told me that he had opened one of the packages one day to see what Hunt was sending to the Agency. He said that the envelope was addressed to 6 and appeared to contain "gossip" information about an unknown person--he assumed that it had something to do with a psychological study of that person. Mrs. 19 subsequently confirmed this information [illegible] that Hunt passed "gossip" from 6 to the Agency.

Shortly after my assignment at the Executive Office Building, a new telephome list was issued by the White House and it contained Hunt's name. The Watergate news broke and Hunt was involved. The White House recalled the phone listings without reason and reissued them--we noted that Hunt's name had been deleted. As the news of the Watergate and Hunt's involvement spread, we--at a date unknown--decided that it was not prudent nor necessary to retain the receipts for envelopes which we had transmitted from him to CIA and we destroyed these receipts.

Earlier this year infrormation appeared in the press which discussed Hunt and psychologieal studies. Linking the above information with these news reports I became comcerned that the Agency might become publically involved in this publicity and that it would be an embarrassment which the Agency should be aware of and prepared for. I had no knowledge of whether or not Hunt had arranged with Mr. Helms or someone else in authority for 6 do make psychological studies or whether Hunt had prevailed upon 6 because of some past connection or whether or not 6 was doing this officially or "free lance." But I felt strongly that the Agency should be aware of this Hunt-6 connection, in case it did not already know.

I called Dr. Schlessinger and said that I had a confidential matter to discuss with him and visited him one night about 6:30. (I do not recollect the time but Mr. 1 fixes it at 2 May.) I said that I was aware of some information that was not first hand but which I had verified and that I felt it had implications which might embarass the Agency and therefore he should be aware of this information so that he could prepare for public involvement, in case he was not already aware of it. I related what I knew about envelopes from Hunt to the Agency and specifically about the transmittal of information to 6. He seemed surprised and unaware of any such link. He asked me, "What shall I do with 6 " I said (somewhat taken aback at this question) that I thought he should first talk to 6 and get his side of the story and that I found it hard to believe that an individual of the Agency would become

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

involved in something like this without some approval from higher authority within the Agency, also, that I was sure that someone had compiled the facts about the Agency's involvement with Hunt and the Watergate and that it should be available somewhere in the Agency if he had not already seen it. He seemed dismayed and bewildered that something like this could have happened and that he did not know about it. I repeated that I was sure that it was a matter of record somewhere and that it simply may not have been brought to his attention. He thanked me for reporting this information.

The following day I had a call from Mr. 23 , Dr. Schlessinger's assistant and a former colleague on the NSC staff, asking for a review of what I had reported saying that Dr. Schlessinger was very upset and had asked him to look into this right away. He wanted to know if I had any more details. I subsequently remembered another tangent to this subject and stopped in his office the following day (which was about 3 May according to Mr. 's timetable) and related it to him. It was that Mrs. 19 recalled that one day Hunt had come to see 22 , and they had talked behind closed doors. After the talk 22 came out and remarked to her that he was amazed, shocked and bewildered by the things that Hunt told him he was doing. He scratched and shook his head, remarked what an interesting job Hunt had, but revealed none of the details of his conversation. The only specific item he mentioned was a film that Hunt was working on for educational TV which involved one of the Nixon daughters. (I confirmed with Mrs. 19 this date that this is her recollection of this event.) 23 said that my report to Dr. Schlessinger was the first that the latter had heard that the Agency was in any way involved and that the Agency and Dr. Schlessinger, in particular, owed me a debt of gratitude for coming forward with this information. I remarked again that I would be surprised if the Agency had not already compiled a report on Hunt's involvement with the Agency because I knew that Mr. Helms was probably aware of some of Hunt's activities and might have authorized the use of 6 and that because of his (23) and Schlessinger's newness on the job they simply had not seen this material or had reason to ask for it. He said that he intended to find out.

23 subsequently told me that 22 had been interviewed and said that he knew nothing of Hunt's activities. I suggested that 20 be interviewed because not only had he opened at least the one Hunt - 6 envelope, but he may have additional information to report from his personal talks with Hunt.

23 told me sometime later that Schlessinger was awarding a medal to General Walters for his role in the Watergate affair and remarked again that my report had triggered the revelation of the iceberg. We joked about how the Generals always get the medals!

I do not believe that the subject has come up again until this time.

24/

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

24. On June 20, 1972 John Mitchell, the Campaign Director of CRP, issued a prepared press statement. The statement denied any legal, moral or ethical accountability on the part of CRP for the break-in at the DNC headquarters.

Page

24.1 Washington Post, June 21, 1972, A1, A9.....302

O'Brien Sues GOP Campaign

Lays Blame For Bugging on White House

By Bob Woodward
Washington Post Staff Writer

Democratic National Chairman Lawrence F. O'Brien, apparently seizing on the break-in and attempted bugging of party headquarters here as a major campaign issue, attempted yesterday to lay responsibility for the incident at the door of the White House.

He said there is "a developing clear line to the White House" and cited what he called the "potential involvement" of special counsel to the President, Charles Colson.

O'Brien made his remarks as the Democratic National Committee filed a $1 million suit in U.S. District Court here against the Committee for the Re-Election of the President, whose chief security agent was one of five men arrested at the break-in 2:30 a.m. Saturday.

President Nixon's campaign chairman, former Attorney General John N. Mitchell, again deplored the bugging incident, denied any party responsibility for it and called the law suit "another example of sheer demagoguery on the part of Mr. O'Brien."

In other developments yesterday:

- White House consultant and former CIA employee Howard E. Hunt, whose name was found in two of the suspects address books, was reported to be a "good friend" of the suspects' first attorney, Douglas Caddy.
- Federal sources close to the investigation said that a diagram that could have been used in a past or future bugging attempt on Miami Beach headquarters of Sen. George S. McGovern was found among the suspects' belongings.

O'Brien charged that Mitchell attempted to make it appear that former CIA employee James W. McCord Jr., the security agent who was arrested Saturday, had ended his employment with the Nixon committee some months ago.

Until Monday McCord was the salaried security chief for

See BUG, A9, Col. 1

Bugging Laid to White House

BUG, From A1

the committee. Mitchell's first statement Sunday on McCord's employment with the committee was that McCord was employed months ago.

"We know that as of the moment of his arrest at gunpoint just 10 feet from where I now stand, Mr. McCord was in the pay of the Committee for the Re-election of the President," O'Brien said.

"If John Mitchell's reflex attempt to conceal that fact is any signal of what is to come from the Republican Party and administration, I fear we shall be long in getting at the truth."

O'Brien went on to call the incident a "cheap cloak-and-dagger intrigue at the national political level. We learned of this bugging attempt only because it was bungled. How many other attempts have there been? And just who was involved?"

He said the lawsuit was an attempt to force the issue into examination by the court. A Democratic spokesman said court hearings on the matter could begin in "the near future."

"I believe we are about to witness the ultimate test of this administration that so piously committed itself to a new era of law and order just four years ago," O'Brien said.

In a prepared statement, Mitchell called O'Brien's suit a "political stunt."

"This committee did not authorize and does not condone the alleged actions of the five men apprehended Saturday morning. We abhor such activity.

"The Committee for the Re-election of the President is not legally, morally or ethically accountable for actions taken without its knowedge and beyond the scope of its control," Mitchell said.

In yesterday's editions, The Post reported the existence of Hunt's name in the suspects' address books and that he functioned at the White House as an assistant to Colson.

A White House aide confirmed that Colson, who is said to handle delicate assignments for the President, was the man who brought Hunt to the White House.

Presidential spokesman Ronald Ziegler said yesterday morning, "I talked to Mr. Colson after reading The Washington Post story this morning, and he made it clear that he is in no way involved with this matter . . ."

Later Ziegler told reporters that he was "finished with any comment on the subject."

Federal sources close to the bugging investigation said two large ballrooms scheduled to be used as Miami headquarters for McGovern during the Democratic Convention were diagrammed in another address book taken by authorities from the suspects' belongings.

The rough diagram, a sketch, shows the Regency and Mediterranean rooms at the Doral Hotel on the Ocean in Miami.

It also denotes the location of two emergency exits from the rooms. The word "May" was written by the diagram, apparently a reference to the month, the sources said.

Asked about the diagram yesterday, McGovern's convention coordinator, Owen Donley, confirmed that the rooms have been slated for use by McGovern convention staff since January.

Donley said one room would be used by the news media and the other for staff or delegate caucuses.

"If they wanted to bug the two rooms, it wouldn't bother anyone anyway. They are both public rooms in the hotel. We will hold staff caucuses there, but they will be mass meetings. There wouldn't be anything said there that wouldn't be said out on the street."

Donley said the McGovern campaign staff was exploring various antibugging methods before the Democratic National headquarters incident.

"We didn't suddenly become paranoid. We were paranoid beforehand. That is just part of convention procedure," Donley said. He indicated that antibugging precautions would be taken at the headquarters in Miami.

Hunt, the White House consultant, has a full-time job in the public relations firm of Robert R. Mullen Co., 1700 Pennsylvania Ave. NW, directly across from Nixon's re-election headquarters and the chief White House offices.

Yesterday, Robert E. Bennett, president of the Mullen firm, said that Hunt was a "good friend" of the suspects' first attorney, Caddy.

Hunt and Caddy once shared an office at the Mullen firm, according to Bennett. Caddy was not employed there but acted as liaison with General Foods Corp. where he was employed.

In Superior Court here Saturday when the five suspects appeared for arraignment, Caddy was secretive and stayed in the background, bringing in another attorney to represent the five men.

Shortly after 3 a.m. Saturday, Caddy told a reporter, he received a call from Barker's wife. "She said that her husband told her to call me if he hadn't called her by 3 a.m. that it might mean trouble," Caddy said.

Caddy said he had met Barker once, a year ago, and that they had had "a sympathetic" conversation.

Barker, who owns a real estate firm in Miami, has been active in anti-Castro activities and is reported to have played a role in the Bay of Pigs invasion of Cuba in 1961.

In addition to McCord and Barker, the other three suspects are: Frank Sturgis, also known as Frank Fiorini an American who served in Fidel Castro's revolutionary army and has since been a leader in the anti-Castro movement in Miami; Virgilio R. Gonzales, a locksmith; and Eugenio R. Martinez, a real estate salesman for Barker.

McCord was still being held in D.C. jail yesterday on $30,000 bond. The other four were being held there on $50,000 bond. All are charged with attempted burglary and attempted interception of telephone and other communication.

Their attorney, Joseph A. Rafferty Jr., filed a motion yesterday seeking a reduction on the bond.

Meanwhile, yesterday Sen. Bob Dole, head of the Republican National Committee, denied as totally false reports that the Republicans had urged Spanish community leaders and other Republicans not to discuss the bugging incident with anyone.

25. On June 20, 1972 at 6:08 p.m. the President spoke by telephone with John Mitchell. The President and Mitchell discussed the break-in at the DNC headquarters. According to a dictabelt recording made by the President on June 20, 1972 recollecting the events of that day, Mitchell expressed to the President his regret that he had not kept better control over the people at CRP.

Page

25.1 President Nixon daily diary, June 20, 1972, Exhibit 13, In re Grand Jury, Misc. 47-73, 1-2.....306

25.2 President Nixon remarks before Associated Press Managing Editors Association, November 17, 1973, 9 Presidential Documents 1345-46.....308

25.3 Dictabelt recording of President Nixon's recollections of events of June 20, 1972, and House Judiciary Committee transcript thereof.....310

25.1 *PRESIDENT NIXON DAILY DIARY, JUNE 20, 1972, EXHIBIT 13, IN RE GRAND JURY, MISC. 47-73, 1-2*

THE WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

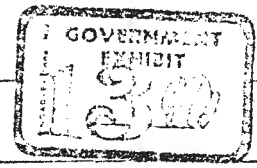
(See Travel Record for Travel Activity)

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)
JUNE 20, 1972

TIME DAY
8:40 a.m. TUESDAY



TIME In	TIME Out	PHONE P=Placed R=Received Lo	PHONE LD	ACTIVITY
8:40				The President had breakfast.
9:00				The President went to the Oval Office.
9:01	9:04			The President met with his Deputy Assistant, Alexander P. Butterfield.
10:20				The President went to his office in the EOB.
10:25	11:20			The President met with his Assistant, John D. Ehrlichman.
10:51	10:54	P		The President talked with his Deputy Assistant, Edward L. Morgan.
11:26	12:45			The President met with his Assistant, H. R. Haldeman.
12:32	12:33	R		The President talked with his daughter, Tricia.
12:46		P		The President telephoned Senator Margaret Chase Smith (R-Maine). The call was not completed.
12:53	12:55	P		The President talked with Senator Smith.
1:27	2:10			The President met with his Deputy Assistant, Maj. Gen. Alexander M. Haig, Jr.
1:30	1:35	P		The President talked with Senate Minority Leader Hugh Scott (R-Pennsylvania).
1:38	1:39		P	The President talked long distance with Joseph Trerotola, Vice President of the International Brotherhood of Teamsters, in New York City.
1:45	1:49	P		The President talked with his Counsel, Clark MacGregor.
2:16	2:17	P		The President talked with his Special Counsel, Charles W. Colson.
2:20	3:30			The President met with Mr. Colson.
3:33		P		The President telephoned Staff Assistant Stephen B. Bull. T President talked with Beverly J. Kaye, Mr. Bull's secretary.
4:09	4:14	P		The President talked with his Special Assistant, Patrick J. Buchanan.
4:35	5:25			The President met with Mr. Haldeman.
5:25				The President went to the Barber Shop.

25.1 *PRESIDENT NIXON DAILY DIARY, JUNE 20, 1972, EXHIBIT 13, IN RE GRAND JURY, MISC. 47-73, 1-2*

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

DATE (Mo., Day, Yr.)

JUNE 20, 1972

TIME DAY

5:50 p.m. TUESDAY

TIME In	TIME Out	PHONE P=Placed R=Received Lo	PHONE LD	ACTIVITY
5:50	5:53			The President met with Mr. Butterfield.
6:01				The President returned to the second floor Residence.
6:08	6:12	P		The President talked with John N. Mitchell, Campaign Director for the Committee for the Reelection of the President.
6:30				The President and the First Lady had dinner in the Yellow Oval Room.
7:36				The President returned to his office in the EOB.
7:52	7:59	P		The President talked with Mr. Haldeman.
8:04	8:21	P		The President talked with Mr. Colson.
8:42	8:50	R		The President talked with Mr. Haldeman.
11:22				The President returned to the second floor Residence.
11:33	12:05	P		The President talked with Mr. Colson.

MF/CD/LR

Administration of Richard Nixon

PRESIDENTIAL DOCUMENTS

Week Ending Saturday, November 24, 1973

Upper Great Lakes Regional Commission

Announcement of Intention To Nominate Raymond C. Anderson To Be Federal Cochairman. November 16, 1973

The President today announced his intention to nominate Raymond C. Anderson, of Maple City, Mich., to be Federal Cochairman of the Upper Great Lakes Regional Commission. He will succeed Thomas F. Schweigert, who became Alternate Federal Member of the Delaware River Basin Commission on September 6, 1973.

From 1969 to 1971, Mr. Anderson served as executive assistant to Michigan Gov. William G. Milliken. He has been retired since 1971 and was also retired from 1964 to 1969. From 1959 to 1964, he served as administrative assistant to then-Congressman Robert P. Griffin, from 1952 to 1959, he was administrative assistant to Senator Charles E. Potter of Michigan, and he was administrative assistant to Congressman Roy O. Woodruff of Michigan from 1937 to 1944 and from 1946 to 1952.

He was born on March 5, 1912, in Grand Rapids, Mich. Mr. Anderson was graduated from Grand Rapids Junior College in 1932. From 1944 to 1946, he served as an officer in the U.S. Navy.

NOTE: The announcement was released at Key Biscayne, Fla.

Associated Press Managing Editors Association

The President's Remarks in a Question-and-Answer Session at the Association's Annual Convention in Orlando, Florida. November 17, 1973

THE PRESIDENT. *President Quinn and ladies and gentlemen:*

When Jack Horner,[1] who has been a correspondent in Washington and other places around the world, retired after 40 years, he once told me that if I thought that the White House Press Corps answered (asked) tough questions, he (I) should hear the kind of questions the managing editors asked him. Consequently, I welcome this opportunity tonight to meet with the managing editors of the Nation's newspapers.

I will not have an opening statement because I know, with 400 of you, it will be hard to get through all of the questions you have, and I understand the President has a prerogative of asking the first question.

Mr. Quinn [John C. Quinn, Gannett Newspapers, and president, Associated Press Managing Editors Association]

WATERGATE AND THE FUTURE

Q. Mr. President, this morning, Governor Askew of Florida addressed this group and recalled the words of Benjamin Franklin. When leaving the Constitutional Convention he was asked, "What have you given us, sir, a monarch or a republic?" Franklin answered, "A republic, sir, if you can keep it."

Mr. President, in the prevailing pessimism of the lingering matter we call Watergate, can we keep that republic, sir, and how?

THE PRESIDENT. Well, Mr. Quinn, I would certainly not be standing here answering these questions unless I had a firm belief that we could keep the republic, that we must keep it, not only for ourselves, but for the whole world. I recognize that because of mistakes that were made, and I must take responsibility for those mistakes, whether in the campaign or during the course of an administration, that there are those who wonder whether this republic can survive. But I also know that the hopes of the whole world for peace, not only now, but in the years to come, rests in the United States of America. And I can assure you that as long as I am physically able to handle the position to which I was elected, and then reelected last November,

[1] Garnett D. (Jack) Horner was a reporter with the Washington Star from 1937 until his retirement in November 1973. Since 1954 he was White House correspondent for that newspaper.

I am going to work for the cause of peace in the world, for the cause of prosperity without war and without inflation at home, and also to the best of my ability to restore confidence in the White House and in the President himself. It is a big job, but I think it can be done, and I intend to do it.

PRESIDENTIAL TAPES

Q. Mr. President, I am George Gill of the Louisville Courier-Journal. Would you please tell us, sir, when did you personally discover that two of the nine subpoenaed White House tapes did not exist, and why did you apparently delay for a matter of weeks disclosing this matter to the Federal court and to the public?

THE PRESIDENT. Well, the first time that the fact that there were no recordings of the two conversations to which you referred—that they did not exist—came to my attention on approximately September 29 or September 30.

At that time, I was informed only that they might not exist because a search was not made, because seven of the nine recordings requested did exist, and my secretary, listening to them for me and making notes for me, proceeded to go through those seven tapes.

I should point out, incidentally, that the two which did not exist, in which there were no tape recordings of the conversations, were not ones that were requested by the Senate committee, and consequently, we felt that we should go forward with the ones that were requested by both the Senate committee and the others.

When we finally determined that they could not be in existence was on October 26 of this year. And we learned it then when I directed the White House Counsel, Mr. Buzhardt, to question the Secret Service operatives as to what had happened to make sure that there might not be a possibility, due to the fact that the mechanism was not operating properly, that we might find them in some other place.

He questioned them for 2 days and reported on the 27th that he could not find them. He then, having had a date made—and he asked for the date sooner with Judge Sirica, he asked for a date on Thursday, you may recall I pointed that out in my press conference on the 26th—Judge Sirica saw him on Tuesday *in camera*. The White House Counsel reported to Judge Sirica that the two tapes did not exist and gave him the reasons for it.

The judge decided, and I think quite properly, that the reasons for the tape not existing should be made public and those involved with access to the tapes and those who operated the machines should be questioned so that there would be no question of the White House, somebody around the President, or even the President himself, having destroyed evidence that was important even though the Senate committee had not, as I have already pointed out, subpoenaed either of these two tapes. And since we are on this subject, and I do not want to be taking all of the time on it except that I know there is going to be enormous interest in it, not only among this audience here, but among our television viewers, let me point this out.

I have done everything that I possibly can to provide the evidence that would have existed had we found the tapes:

First, with regard to the tape of June 20, as you may recall, it was a 5-minute telephone conversation with the former Attorney General, John Mitchell, who had just left as campaign manager or was planning to leave as campaign manager at that time.

I have a practice of keeping a personal diary—I can assure you not every day. Sometimes you are too tired at the end of a day to either make notes or dictate it into a dictabelt.

On that particular day I happened to have dictated a dictabelt, and on the dictabelt for June 20, which I found, I found that I had referred to the conversation to John Mitchell, and I think it is fair to disclose to this audience what was there because it will be disclosed to the court. It has already been offered to the court and eventually I assume will be made public.

It said, first, that I called John Mitchell to cheer him up because I knew he was terribly disheartened by what had happened in the so-called Watergate matter. Second, he expressed chagrin to me that the organization over which he had control could have gotten out of hand in this way. That was what was on that tape.

Now, turning to the one on April 15, I thought I might have a dictabelt of that conversation as well.

Let me tell you first why the telephone conversation was not recorded, not because of any deliberate attempt to keep the recording from the public, but because the only telephones in the residence of the White House which are recorded—the only telephone, there is only one, is the one that is in the office, the little Lincoln Sitting Room right off the Lincoln Bedroom. The call I made to John Mitchell was made at the end of the day at about 6:30 just before going into dinner from the family quarters, and no telephones in the family quarters ever were recorded. That is why the recording did not exist.

Turning to April 15, the conversation referred to there was at the end of the process in which Mr. Dean came in to tell me what he had told the U.S. attorneys that day. He saw me at 9 o'clock at night, Sunday night. There should have been a recording. Everybody thought there probably was a recording. The reason there was not a recording is that the tape machines over the weekend only can carry 6 hours of conversation, and usually that is more than enough, because I do not use the EOB office, that is, the Executive Office Building office rather than the Oval Office, over the weekend to that extent.

But that weekend I was in the EOB for a long conversation with Dr. Kissinger on foreign policy matters. I was there for 2 other hours, or 2 or 3 other hours, and the tape

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A DICTABELT RECORDING BY THE PRESIDENT OF HIS RECOLLECTIONS OF A TELEPHONE CONVERSATION WITH JOHN MITCHELL ON JUNE 20, 1972.

PRESIDENT: Paragraph. I also talked to John Mitchell in -- late in the day and tried to cheer him up a bit. He is terribly chagrined that, uh, the activities of anybody attached to his committee should, uh, have, uh, been handled in such a manner, and he said that he only regretted that he had not policed all the people more effectively on a -- in his own organization --

[42 second silence]

[unintelligible]

26. On June 21, 1972 shortly after 9:35 a.m. John Ehrlichman told Acting FBI Director Gray that John Dean would be handling an inquiry into Watergate for the White House and that Gray should call Dean and work closely with him. Gray told Ehrlichman that the FBI was handling the case as a "major special with all of our normal procedures in effect." At 10:00 a.m. Gray telephoned Dean and arranged to meet Dean at 11:30 a.m. in Gray's office. At the meeting they discussed the sensitivity of the investigation, and Dean told Gray that Dean would sit in on FBI interviews of White House staff members in his official capacity as counsel to the President.

Page

26.1 L. Patrick Gray log, June 21, 1972, 1-2 (received from SSC).....312

26.2 L. Patrick Gray testimony, 9 SSC 3450.....314

26.3 John Dean testimony, 3 SSC 942.....315

DR

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE Wed., June 21, 1972

Time	Caller	VIA	Action	Initials
9:12	(Will Try to Hold) Miss Landsdorfer	Tele	Spoke to Mr. Gray	RET
9:32	(Can Answer, Tex) Dale J. Myers Cole	Tele	Mr. Gray Out — Cole will call back later	RET
9:55	Mr. John Ehrlichman	Tele	Mr. Gray Contacted and advised to call him	CVS RET
10:00	Mr. Gray	Tele	Spoke to Mr. John W. Dean III	RET
10:05	Mr. Gray	Tele	Spoke to The Attorney General	RET
10:10	Mr. Gray	Tele	White House — spoke to Gen. Haig	RET
10:15	Sanders, George H. Slatterday	Pers	Saw Mr. Gray	RET
	Bureau Photographer			
10:23	Mr. Wiley M. Counts	Pers	Saw Mr. Gray	RET
	Bureau Photographer			
10:25	Miss Eileen C. Roche	Pers	Saw Mr. Gray	RET
	Bureau Photographer			
10:29	Mr. Maurice Brittingham	Pers	Saw Mr. Gray	RET
	Bureau Photographer			
10:31	SA L. Winton Warren	Pers	Saw Mr. Gray	RET
	Bureau Photographer			
10:35	Mr. Ralph V. Kampton	Pers	Saw Mr. Gray	RET
1:21	Mr. Felt & Mr. E.S. Miller	Pers	Saw Mr. Gray	RET
	(Continued on Next Page)			

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

DR

26.1 L. PATRICK GRAY LOG, JUNE 21, 1972, 1-2

DF

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

Page 2

FILE _____

DATE Wed., June 21, 1972

Time	Caller	VIA	Action	Initials
11 19	(ATLANTA, GA.) Mr. JOHN GRANFIELD	Tele	Left Word	RET
11 23	Secy to Mr RALPH ERICKSON	Tele	Spoke to Mr. GRAY	RET
11 30	(White House) Mr. John W. Dean	Pers	Saw Mr. Gray	PED
12 25	Mr Gray	Tele	Left Word Called Mr Gray	RET PED
1 23	(R-Texas) Senator Jack Miller	Tele	Rfd to Mr Felt	RET PED
1 33	Sherry Heller	Tele Rfd	to Jo Kilday, CRD	PED
2 15	Senator Wicker's Office	Tele Rfd	to Mrs. Neenan	PED
2 40	Mr. Gray	Tele	Spoke to Wendy Grant	PED
2 48	Mr. Guy de Berbot	Pers	Saw Mr. Gray	PED
	(SDECE) SA H.C. Flemister			
	Bureau Photographer			
3 00	Mr Cartha D Deloach	Pers	Saw Mr Gray	PED
3 17	Mr Bob Smith	Tele	Rfd to Mrs. Neenan	RET
4 09	Mr Felt, Mr Bates & Bill Kunkel	Pers	Saw Mr Gray	RET
5 25	Mr Gray	Tele	Spoke to Mr John W Dean	PED
5 35	(Rules Com. or Dem. Nat. Com.) Cong James G. Fulton's Office	Tele	Rfd to Mr Sanderson	RET
5 05	Capt. "G" Austin	Tele	Left Word	PED
5 32	Telephone Room	Tele	Charles R. Fletcher, NFO Courtesy Appointment	RET
7 45	Office Closed			PED

DIRECTOR:	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT	IN - OUT -

DR

the time available and I do not believe the committee expects me to launch into such a review. Nevertheless, upon the conclusion of my statement, I stand ready to answer any questions which the committee or counsel may desire to ask about any aspect of my stewardship of the FBI.

I do have, Mr. Chairman, a few preliminary remarks which precede my discussion of the areas believed to be of prime interest to the committee.

I was appointed Acting Director of the FBI by Attorney General Kleindienst on May 3, 1972. I looked upon this appointment as a return to the service of my country similar to that which I had rendered in the U.S. Navy for 26 years. I looked forward then to many years of additional service to the country in the company of the honorable and dedicated men and women of the FBI.

On May 16, 1972, my personal staff and I moved into the offices formerly occupied by the late J. Edgar Hoover; 1 month later, on June 17, 1972, the burglary of the headquarters of the Democratic National Committee in the Watergate Hotel occurred.

At the outset, Mr. Chairman, I want to acknowledge that I am fully, totally, and completely responsible for the performance of duty of myself and of the men and women of the FBI during the year that I served as their Acting Director. They, of course, are not in any way responsible for my performance of duty or for any personal acts or judgments of mine which occurred during the period I served as Acting Director.

THE CIA DIMENSION

At the time of the Watergate break-in I was on the west coast visiting FBI field offices and meeting a commitment to make a commencement address at Pepperdine University Law School in Santa Ana. I returned to Washington on the evening of June 20 and received a phone call from John Ehrlichman the next morning. Mr. Ehrlichman informed me that John Dean would be handling an inquiry into Watergate for the White House, that I should deal directly with John Dean concerning the investigation and that Mr. Dean was expecting a call from me. Mr. Ehrlichman and I then discussed the matter of procedural safeguards against leaks and I told him that we were handling this case as a major special with all of our normal procedures in effect. I also indicated to him that we were going to conduct an aggressive and vigorous investigation and would probably be interviewing people at the White House.

I called Mr. Dean upon my return to my own office at 10 a.m., and arranged to meet with him at 11:30 a.m., in my office on June 21, 1972. At our meeting he discussed with me the sensitivity of the investigation and the need to avoid leaks in a political year. He also informed me that he had the responsibility to handle this inquiry for the White House and would sit in on any interviews of White House staff personnel. Mr. Dean stated that he would be there in his official capacity as counsel to the President.

I know that I specifically asked Mr. Dean on two occasions if he would be making his reports direct to the President. I believe that this was one of those occasions and I believe that the other occurred when we were discussing the transmission of FBI file material to him to

FIRST MEETINGS WITH MR. GRAY REGARDING THE INVESTIGATION

I believe that it was on June 21 that I first met with Gray in his office in the late morning regarding the FBI's investigation. At that meeting he told me he fully realized the sensitive nature of the investigation they were pursuing and that he had placed his most trusted senior people in charge of the investigation. I told Gray that I had been asked to be kept informed about the investigation. Mr. Gray told me that he had been visiting a number of regional offices and would be doing so in the future. Thus, if I needed any information I should call Mr. Mark Felt in his absence. I might note at this point that indeed Gray was frequently absent from the city during the course of the investigation and this irritated Ehrlichman greatly when he asked me to get information from Gray and Gray was out of the city. On several occasions, in fact, Ehrlichman instructed me to tell Gray to return to the city and mind the store. I passed this message to Gray, but I cannot recall what prompted Ehrlichman to have me do so at this time.

During my meeting with Gray on June 21 he also told me a man by the name of Mr. Bates was heading the investigation. I do not know Mr. Bates, and when I reported this back to Ehrlichman and he asked me who Bates was, I told him I did not know Bates. I can recall on several occasions Ehrlichman asking me if I thought that Gray knew what he was doing and if he had the investigation under control. I responded that he seemed to be relying on men in whom he had full trust.

To the best of my recollection, it was during this June 21 meeting with Gray that he informed me that the FBI had uncovered a number of major banking transactions that had transpired in the account of one of the arrested Cubans—Mr. Barker. He informed me that they had traced a $25,000 check to a Mr. Kenneth Dahlberg and four checks totaling $89,000 to a bank in Mexico City.

I do not recall whether I first learned about the Dahlberg check from Mr. Gray or whether I learned about it in a meeting in Mitchell's office by reason of the fact that the FBI was trying to contact Mr. Dahlberg about the matter and Dahlberg had called Mr. Stans. At any rate, the fact that the FBI was investigating these matters was of utmost concern to Mr. Stans when he learned of it. Stans was concerned about the Dahlberg check, I was informed, because it was in fact a contribution from Mr. Dwayne Andreas, whom I did not know, but I was told was a longtime backer of Senator Hubert Humphrey. Neither Stans nor Mitchell wanted Mr. Andreas to be embarrassed by disclosure of the contribution. The concern about the Mexican money was made a little less clear to me. I was told it was a contribution from a group of Texans who had used an intermediary in Mexico to make the contribution. Although I had not been told, I assumed at that time that they were concerned because it sounded to me as if it might have been a corporate contribution and clearly a violation of the law.

Mr. Stans also explained that he had checked with Sloan to find out how this money had ended up in Mr. Barker's bank account and Sloan reported that he had given the checks to Liddy and requested that he cash them: He said he had no idea how Liddy had cashed them, but surmised that he had obviously used Barker to cash them. I was also

27. On or about June 22, 1972 John Ehrlichman met with John Dean and discussed the contents of Howard Hunt's safe and what to do with certain politically sensitive documents.

		Page
27.1	John Dean testimony, 3 SSC 937-38.....	318
27.2	John Ehrlichman testimony, 6 SSC 2612-14.....	320
27.3	John Ehrlichman testimony, 7 SSC 2824-26.....	323
27.4	Portion of John Dean notes for Camp David report, SSC Exhibit No. 34-43, 3 SSC 1290.....	326

When Petersen arrived at Kleindienst's office he gave a status report of the investigation. Kleindienst then related my concern to Petersen. Petersen was troubled by the case and the implications of it. Kleindienst had another meeting, so Petersen and I—I believe the other meeting was in his office, so Petersen and I went into Mr. Kleindienst's back office and talked further. To the best of my recollection, we did not discuss specifics, rather it was a general discussion.

I told him I had no idea where this thing might end, but I told him I did not think the White House could withstand a wide-open investigation. The sum and substance of our conversation was that I had no idea how far this matter might go, but I had reason—without being specific—to suspect the worst. The meeting ended on that note, that I hoped I was wrong.

I do not recall ever reporting this meeting to Ehrlichman, because he had a somewhat strained relationship with Kleindienst and I thought he would raise havoc that I did not have an assurance from Kleindienst that he would take care of everything. I did report, however, that I felt Petersen would handle this matter fairly and not pursue a wide-open inquiry into everything the White House had been doing for 4 years. I made this statement not because of anything Petersen specifically said, as much as the impression he gave me that he realized the problems of a wide-open investigation of the White House in an election year.

Returning now to the contents of Mr. Hunt's safe, it was mid-morning on Tuesday, June 20, when the GSA men brought several cartons to my office, which contained the contents of Hunt's safe. I had learned earlier that morning from Fielding that the boxes had been secured in Kehrli's office overnight. Fielding also reported that they had found a handgun in the safe, which Kehrli had disengaged, a large briefcase containing electronic equipment, and a number of documents, some of which were classified. I told Fielding I would like his assistance later that day in going through the material.

During the afternoon of the 20th, Fielding and I began going through the cartons of Hunt's materials. I remember looking in the briefcase, which contained electronic equipment. I frankly do not know what it was it contained, but it contained loose wires, chapsticks for your lips with wires coming out of them and instruction sheets for walkie-talkies. As I recall, there were also some antennas in there.

We then began sorting the documents. The bulk of the papers were classified cables from the State Department relating to the early years of the war in Vietnam. These were separated out from the rest of the papers. The other papers I assumed related to Hunt's work at the White House. Also, there were personal papers. I will attempt, to the best of my recollection, to describe the papers and documents that were found in the safe. I must point out, however, that I personally did not look at all the documents, rather it was a combined effort by Fielding and myself to determine what was in Hunt's safe.

First, among his personal papers were copies of his submissions for his per diem pay as a consultant, a few travel vouchers, and an envelope containing materials of a personal nature relating to his wife.

Among the papers that I assumed related to his work at the White House were numerous memorandums to Chuck Colson regarding Hunt's assessment of the plumbers unit operation and critical of Mr.

Krogh's handling of matters; a number of materials relating to Mr. Daniel Ellsberg, such as news clippings and a psychological study of Ellsberg which apparently had been prepared by someone who had never actually met or talked with Mr. Ellsberg; a bogus cable—that is, other cables spliced together into one cable regarding the involvement of persons in the Kennedy administration in the fall of the Diem regime in Vietnam; a memorandum regarding some discussion about the bogus cable with Colson and Mr. William Lambert; some materials relating to an investigation Hunt had conducted for Colson at Chappaquidick, some materials relating to the Pentagon Papers and a paperback book containing the published Pentagon Papers.

Upon examining the contents of the safe, I recall that Fielding and I discussed our concern about the public impact some of these documents might have if they became public, particularly in an election year. I requested that Fielding remove the politically sensitive documents from the others, which he did. The classified State Department cables were too bulky for my own safe, so I called David Young and requested that he store them for me in his office, as I assumed at that time that they would probably be returned to the State Department. I told Young when he came to pick up the materials that they had come from Hunt's safe and he should store them—all together—until I told him what to do with them. Accordingly, Mr. Young took the State Department documents to his office. The large briefcase was stored in a locked closet in my office suite, and the politically sensitive documents and Hunt's personal papers were placed in a safe in my office. The remaining materials were left in the cartons on the floor in my office.

I subsequently met with Ehrlichman to inform him of the contents of Hunt's safe. I gave him a description of the electronic equipment and told him about the bogus cable, the materials relating to Ellsberg and the other politically sensitive documents. I remember well his instructions: He told me to shred the documents and "deep six" the briefcase. I asked him what he meant by "deep six." He leaned back in his chair and said: "You drive across the river on your way home at night—don't you?" I said, yes. He said, "Well, when you cross over the bridge on your way home, just toss the briefcase into the river."

I felt very much on the spot, so I told him in a joking manner that I would bring the materials over to him and he could take care of them because he also crossed the river on his way home at night. He said, no thank you, and I left his office and returned to my office.

After leaving Erlichman's office I thought about what he had told me to do and was very troubled. I raised it with Fielding and he shared my feelings that this would be an incredible action to destroy potential evidence. I think Mr. Fielding appreciated my quandary—when Ehrlichman said do something, he expected it to be done. I decided to think it over. I did take the briefcase out of my office because the closet that it was being stored in was used by the secretaries in the office and I did not have an available safe to hold the large briefcase. I was also giving serious consideration to Ehrlichman's instructions. Accordingly, I placed the briefcase in the trunk of my car, where it remained until I returned it to the office after I had reached a decision that I could not follow Ehrlichman's instructions. I will explain in a few minutes how I handled the material in Hunt's safe, but before doing so, I would like to continue with the sequence of events.

Mr. EHRLICHMAN. I take it, Senator, and here I am speculating, rankly speculating. Here's an episode with Mr. McCord, which comes out through Mr. McCord back through Caulfield to Dean. Now, how does John Dean justify having sent Mr. Caulfield to talk to McCord? I don't know whether that is the explanation or not, but it certainly was suggested to me as I watched Mr. Dean at this table spinning this tale.

Senator GURNEY. Let us go to another area which involved you and Mr. Dean and that is the papers that were taken from Hunt's safe after it was opened by Dean's people. Some of these papers, as you know, were very sensitive. Some were contained in a briefcase of Mr. Hunt's. The testimony, of course, here is that Dean had a conversation with you about this and you made some suggestions about disposing of the papers that were in the briefcase. My recollection is that you advised Mr. Dean to deep-six these papers. Would you care to tell us about this meeting?

Mr. EHRLICHMAN. That was a meeting, if I heard the testimony correctly, which was also attended by other people and should be susceptible of determination from independent witnesses. To correct an assumption in your question, Senator, I did not know the contents of Mr. Hunt's safe except in the most general terms. I was told, and I can't say who told me—probably Mr. Dean—that there was a pistol and a tape recorder and a number of documents, some of which had nothing to do with Watergate but were very politically sensitive. Now, that was the general description. I had no occasion to look at them, I never saw them except as a few of them were sealed in an envelope and handed to Pat Gray.

The conversation has to be weighed, the probability of such a conversation where I said, run out and throw this in the river, has to be weighed against what I actually did, which I think the witnesses who were in the meeting on the 19th will tell you that I did.

We had had a meeting for two purposes on the 19th, which included Mr. Colson, Mr. Kehrli, staff secretary, and Ken Clawson on the White House staff. The meeting was for, as I say, two purposes—one, to try to determine what the facts were about Howard Hunt's employment status, which was very murky at that point in time, because of some lack of documents or some confusion of documents, and things of that sort.

The other purpose was to talk about what to do about this safe which had been found on the premises, and apparently had things in it that related to Howard Hunt, who was then, if not arrested, at least a prime suspect.

The instructions which we agreed upon at that meeting were that a number of people should be present at the opening of that safe. We knew we had to have something from the GSA because they had to open the safe. But in addition to that, I specified to Mr. Kehrli, being present, that Mr. Dean be present and take custody. Then I think Mr. Kehrli suggested that a Secret Service agent be present under the circumstances, because we were breaking into a safe in the White House. And that was the arrangement that was agreed upon when we broke up on the 19th.

My purpose in doing that was twofold. One, this was a kind of extraordinary procedure and I thought there ought to be people who

could, one, later on tell what had happened; two, I was concerned about the custody of these documents, the chain of evidence, the perfectibility of proof if the time came and there were documents in there that bore on Mr. Hunt's liability.

So that was done, and it was done, I believe, that same day or that evening.

Senator GURNEY. Yes.

Mr. EHRLICHMAN. Now, it seems to me that it would have been folly for me at some later time, then, to suggest that the briefcase be thrown into the floodtide of the Potomac or that these papers be thrown in the river, or something of this kind.

Now, there was in this story also the suggestion of shredding. I don't think in my life that I have suggested to anybody that a document be shredded. Shredding is just not something that I have ever resorted to under any circumstances, nor proposed to anybody under any circumstances. As I said, we have a great disposal system at the White House. If you really want to get rid of a document, you put it in a burn bag and you seal it up and it's never opened again, and it goes into a furnace and that is the end of it.

Senator GURNEY. But to get back to this second meeting when John Dean comes to you and tells you, we have got some pretty sensitive papers here, and as he alleges, you say, well, deep-six this briefcase. What's your testimony on that?

Mr. EHRLICHMAN. I did not. I have no recollection of that kind of a conversation.

Senator GURNEY. Did you make any other suggestion to him that he dispose of these papers in any other way?

Mr. EHRLICHMAN. We discussed what to do about some papers which he told me about in the safe which really should not be leaked. Again, we have to come back to our FBI problem. And he was genuinely concerned and when he explained it to me, I shared his concern, that if these documents were simply wholesaled to the Washington field office the FBI, we would be reading about it in Time magazine in very short order.

Senator GURNEY. Now you are talking about the ones that were turned over to Gray?

Mr. EHRLICHMAN. And so Mr. Dean came up with this idea, turning them over to Pat Gray personally. And I certainly concurred in it. I thought that was an ideal solution to the problem.

Senator GURNEY. Did that come up in this meeting when supposedly the deep-six conversation came up?

Mr. EHRLICHMAN. Well, I gathered that that meeting was supposed to have been the meeting when Mr. Kehrli and the others were there. It would have necessarily been at that meeting, because the die was cast thereafter. You know, the 20 bishops had witnessed the opening of the safe at this point. So it had to be that meeting.

Now, I do not know what meeting he is referring to.

Senator GURNEY. I think he said it was the 21st.

Mr. EHRLICHMAN. The 21st.

I met with Mr. Dean on the 21st in the afternoon. The only thing that I can say to you is that I certainly would not have and did not propose the destruction of those documents.

Senator GURNEY. Well, let us get, then to—that is clear enough. Let us get to the Gray papers. As I understand your testimony now, Mr. Dean did raise these sensitive papers. If they were just filed away in the FBI regular files and somebody got to them, why, it would be very embarrassing to a lot of people.

Mr. EHRLICHMAN. That is what he said.

Senator GURNEY. What happened to those papers? Tell your version of the story from his first telling you that these were sensitive papers to where he tells you something different about them?

Mr. EHRLICHMAN. He agonized for several days about what to do with this situation. I was not involved in a lot of conversations with him about it. He was gone a couple of days during this interval because the river was flooding on account of Agnes hurricane. His house was near the river and so he was just out of the play for a couple of days during that particular time. He was moving his furniture up and putting up sandbags and whatnot.

So he came back from that interlude and said he thought he had an idea as to how to solve this problem and that would be to deliver these documents in two parcels—one parcel to the field office and the other parcel to Pat Gray. I certainly concurred in that suggestion. It seemed to me like a good way of making sure that the documents did not leak as long as Mr. Gray held on to them.

Senator GURNEY. This was his suggestion to turn them over to Gray?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. And then what happened?

Mr. EHRLICHMAN. Then, I said that either I would get Mr. Gray to come over, but I think what I said to him was Mr. Gray was coming over that day for another appointment and why didn't he just bring them over when Pat Gray was there and deliver them to him, so two of us could say that the delivery had been made and we would put an end to this evidentiary chain, so to speak.

Senator GURNEY. I understand that he did come over and he did bring the documents and Gray and he and you were there. Then, what happened?

Mr. EHRLICHMAN. We were there. He said, "Pat, I would like to give you these." The sense of it was that these were contents of Hunt's safe that were politically sensitive and that we just could not stand to have them leaked. I do not know whether he had talked to Gray before or not, because Gray seemed to understand the setting and the premise, so to speak. And he turned the documents over to him and John Dean then left.

Senator GURNEY. Did you say nothing during this whole meeting?

Mr. EHRLICHMAN. I probably chimed in on the subject of leaks, which was then kind of a—was a theme that I was hitting with Mr. Gray right along. And as I have testified before, I do not recall the specific language that was used: The sense of the conversation between the three of us, which was not a long conversation, was that the purpose of Pat Gray taking delivery of these was to avoid the leak problem which all of us recognized that the FBI was having.

Senator GURNEY. Well, I seem to recall there was some testimony about, to Gray by someone, either Dean or you, that these documents should never see the light of day. Do you recall that?

since the President, in his May 22 speech specifically says he told both you and Mr. Haldeman that he was concerned about the CIA problems and asked you to see to it that the investigation did not uncover these things, on the 20th when you met with the President, did the President give you such instructions or raise these questions with you?

Mr. EHRLICHMAN. No. Those instructions came through Mr. Haldeman and were given to me I think the morning of the day of the meeting which would have been the 23d.

Mr. DASH. So actually the President's statement on May 22 that he instructed Mr. Ehrlichman and Mr. Haldeman, really should have been, he instructed Mr. Haldeman?

Mr. EHRLICHMAN. Well, no, because he instructed me to attend the meeting but he instructed me through Mr. Haldeman and a great many of my requests from the President would come either from the staff secretary or from Mr. Haldeman or possibly someone else. It was not always face to face.

Mr. DASH. Now, Mr. Hunt's safe was opened on the evening of June 19 according to the testimony received and Mr. Dean met with you on June 21. Mr. Dean has testified that prior to that meeting he had examined the contents of the safe which were placed in his office and at this time, did he inform you of the contents of the safe on the 21st?

Mr. EHRLICHMAN. Well, your question, of course, assumes that Mr. Dean knew the contents of the safe. I have heard him testify both ways. Maybe I am wrong, but I thought his testimony was that he did not know the contents of the safe, but that Mr. Fielding had inspected the contents of the safe.

I recall only one conversation with Mr. Dean about the contents of the safe in any sort of descriptive terms and I am sorry I cannot tell you whether it was on that occasion or the following week, but what he described for me was simply that there had been papers, a gun, some electronic equipment of some kind which I have heard described variously as a tape recorder and other kinds of electronic equipment, and that he reported to me that Fielding felt that some of the papers were very politically sensitive.

Now, that was the full report, and when he gave that to me, whether it was the end of the week of the 19th or some time at the beginning of the week of the 26th, I am not able to tell you.

Mr. DASH. Did he not, when he reported to you about the contents of the safe, indicate it also included a forged cable involving President Kennedy and the so-called Diem assassination?

Mr. EHRLICHMAN. No; he did not.

Mr. DASH. Now, Mr. Dean has testified, and whether it was on this day when he reported to you on the contents or at a later day, that when he told you about the contents with regard to the briefcase, which apparently had some electronic equipment in it, that you said or told him to deep-six the contents.

Now, did you tell him to deep-six the contents when he gave you a description of the contents of the safe?

Mr. EHRLICHMAN. Well, I testified in response to Senator Gurney's question on that. In point of fact, Mr. Dash, what Mr. Dean testified to here, you are confusing one of his—one of his press leaks with his testimony, I think. He testified here that I told him to get rid of the briefcase, not the contents.

You probably read in one of the news magazines the other version, but the fact is that I never gave him any suggestion or direction to do either one.

Mr. DASH. I think Mr. Dean did testify to deep-six the briefcase and certainly not take the contents out before he deep-sixed it. But you say you never gave him that instruction?

Mr. EHRLICHMAN. No, sir.

Mr. DASH. Do you use the term deep-six?

Mr. EHRLICHMAN. Do I use it?

Mr. DASH. Yes.

Mr. EHRLICHMAN. Well, I used it quite a bit since it was suggested to me.

Mr. DASH. Prior to that?

Mr. EHRLICHMAN. Prior to that I do not think that was a familiar part of my lexicon.

Mr. DASH. Apparently Dean did not seem to understand either what you meant and when asked, is it his testimony that you mentioned the fact he goes over the bridge and he could drop it into the water. Do you recall that testimony?

Mr. EHRLICHMAN. No. I recall some testimony—oh, do I recall the testimony?

Mr. DASH. Yes.

Mr. EHRLICHMAN. Yes. I recall hearing him say that here.

Mr. DASH. And do you recall having told him that?

Mr. EHRLICHMAN. No; I did not tell him that. I do recall a conversation with Mr. Dean about the river because just at this time Mr. Dean's house was in the process of being flooded by the Potomac, and we had quite a bit of discussion about the fact that he was away from work several days, sandbagging his house and moving the furniture, and so on, and we were discussing that in the context of his having held this material from the FBI for what he was concerned might be considered to be an inordinate period of time.

Mr. DASH. And so he may have gotten mixed up in your question about the house and the river——

[Laughter.]

Mr. EHRLICHMAN. No.

Mr. DASH [continuing]. With the contents?

Mr. EHRLICHMAN. No. I do not think that Mr. Dean is at all mixed up. I think he knows exactly what he is trying to do.

Mr. DASH. He is trying to testify.

Now, Mr. Fielding testified in the depositions in the Democratic National Committee suit on May 15, 1973. It was Mr. Dean's testimony before this committee that after he alleged——

Mr. EHRLICHMAN. Mr. Fielding testified that it was Mr. Dean's testimony?

Mr. DASH. No, no. I have not finished my question, please.

Mr. EHRLICHMAN. Well, I am already mixed up. Could we start over?

Mr. DASH. Yes. Mr. Dean testified after you had instructed him to deep-six or drop the briefcase in the water, that he went to see Mr. Fielding and reported back to Mr. Fielding that that was the instruction they were concerned about, primarily because too many people had actually seen what had come out of the safe.

Now, Mr. Fielding has given his deposition in the Democratic National Committee suit on May 15, 1973, and let me read you what Mr. Fielding states in that deposition.

In a question concerning the conversation he had with Mr. Dean, his answer was:

> I would say it was closer to the 20th than the 27th. I am afraid I cannot really pinpoint it much more than that. In the course of the conversations that we had, John indicated that there was a lot of concern about this material and we had a discussion about it. I would have said this is not a quote, that it would be unfortunate if some of this stuff leaked out or is revealed to the press. By the same token, it all has to be turned over. It is all evidence, even though obviously, some of it is totally unrelated to the break-in. In the context of that kind of conversation. Mr. Dean indicated to me that Mr. Ehrlichman had suggested to him this was in the context of a conversation about a briefcase, that he deep-six the briefcase.

Now, this is Mr. Fielding's deposition recalling what Mr. Dean told him.

Now, I just raise that to you on the basis that Mr. Dean testified that he had gone back to tell Mr. Fielding that you had told him that and Mr. Fielding has so deposed that he has.

Mr. EHRLICHMAN. Well, Mr. Dash, it is perfectly silly to suggest that I would go to the elaborate lengths that I did in making sure that the Secret Service and Kehrli and the GSA and somebody from Dean's office was present at the opening of the safe and that I would give instructions for taking custody of the contents and then make a suggestion like that. I mean, I think you have to give me credit for understanding the importance of evidence in a case of this kind and I did understand that and on the 19th made darn sure that that evidence was preserved in a way that if there were a subsequent trial, the evidence could be identified and placed in evidence carefully.

Mr. DASH. It was Mr. Dean's testimony that he had to so instruct you that that was the problem, that so many people had seen it that it would be inadvisable to do it.

Mr. EHRLICHMAN. Well, why don't you ask Mr. Colson, Mr. Kehrli, and Mr. Clawson, who were also at that meeting, who it was that established the process by which the integrity of that evidence would be preserved, and then perhaps you will get some independent view of it.

Mr. DASH. Is it not true that you did seek to ask Mr. Clawson and Mr. Colson certainly by a telephone call concerning whether or not you had made such a statement to Mr. Dean? And you have copies—I am now referring to a transcript of a telephone call that you had with Mr. Clawson which your attorney has provided under subpena to us. There is no date on this transcript.

Mr. EHRLICHMAN. There is a date on mine.

Mr. DASH. No date on mine. What date do you have?

Mr. EHRLICHMAN. April 17.

Mr. DASH. April 17 does appear on the Colson transcript. Now——

Mr. EHRLICHMAN. For some reason they excised the date from your copy.

Mr. DASH. Now, I will read this telephone conversation and ask that it be made part of the record. It is short and I can read it but I will refer primarily to where you were asking Mr. Clawson to recall being at a meeting and where the question of Hunt's safe had been discussed

35-780 O - 74 - 22

Indistinct document retyped by House Judiciary Committee staff

Portion of handwritten notes (John Dean Camp David report)

him to the office & take the contents. After opening the safe BK & FFF boxed the contents & sent them to BK's office for safe keeping. They boxes were delivered to my office the next morning.

#JWD & FFF went through the material. DEAN/in & out There were three items that I considered very [word unclear]. (1) Electronic Equipment. (2) Pol. [word unclear] memos un related to the W/G. (3) the fact that there was a gun & bullets

#I reported what was found in the safe to JE & Colson. It was suggested in the heat of concern that I "deep-six" the material, but I said I was unwilling to do that. I express concern for our tampering with the evidence and that we should merely hold it in my office because no one had requested it. I discussed this with FFF & he agreed [four words struck] said I would be [word unclear] to destroy evidence. Accordingly the contents we kept in my office. No [word unclear] was made, but my office is secure so I just left it in boxes, [word unclear] for classified cables which I had stored in a safe.

Indistinct document retyped by House Judiciary Committee staff

J 0 7 : 0 2 6 0 : 1 3

also

him to my office & safe. Dr. contents after
opening the safe BK & PFF stored in cabinet
& safe from the BKs office for safe keeping.
The boxes were delivered to my office
but not opened.

DEAN / in-out.

BKB & PFF went through the material. There
were three items that I considered very damaging
(1) Check Eg ——— 1. (2) Pol. espionage memos re
related to the WSG. (3) the first draft press was
a gun & bullets

in the head of
Colson.

I reported what was found in the safe to
JE & Colson. It was suggested that I
destroy-six" the material, but I said I was
unwilling to do that. I express concern for
not keeping with the system and that all
sealed envelopes held it in my office because
no one had requested it. I discussed this
with PFF & they agreed ~~to destroy~~ should
said I would be going to discuss same.
Accordingly the contents are kept in my office
No inventory was made, but my office is secure
so I just left it in safe. Unused file
labelled Ellsberg which I had stored in a
safe.

28. On June 22, 1972 FBI agents interviewed Charles Colson in the EOB. John Dean was present. When the agents inquired about Howard Hunt's office in the EOB, Dean told them either that he would have to check out whether Hunt had an EOB office or that the request to see Hunt's office would have to be checked out.

Page

28.1 Charles Colson draft statement prepared for delivery to the SSC, September 1973, 1, 10 (received from SSC).....330

28.2 John Dean testimony, 3 SSC 939-40.....332

28.3 Notes of Charles Colson interview, June 22, 1972, SSC Exhibit No. 34-16, 3 SSC 1160.....334

28.4 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, March 7, 1973, 328.....335

28.5 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, March 22, 1973, 671.....336



Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

that their proposals, whatever they were, be considered. There was no discussion that I can recall of what it was that they were planning to do other than the fact that I have the distinct impression that it involved security at the convention and/or gathering intelligence during the Democratic National Convention."

As I recall, the meeting lasted no more than five minutes. The event had no significance in my mind insofar as Watergate was concerned until I learned this year for the first time what the plan in fact involved and of the meetings involving Mr. Mitchell, Mr. Magruder and others.

On June 21, I suggested to Mr. Dean that I give a statement to the FBI. I believed if I were to give a formal, sworn statement as to my own lack of knowledge or involvement, the fact of having done so might help to stem the flow of adverse publicity. I do not know whether it was as a result of my request, but shortly thereafter, Dean told me to come to his office for an interview with two FBI agents. I was questioned in the presence of Mr. Dean.

On August 28, again accompanied by Dean, I gave a deposition to Mr. Silbert for the Grand Jury then investi-

Colson's FBI Interview

To the best of my recollection it was on June 20 or 21, that Colson told me in a casual conversation in the hall outside his office about an incident that he thought was painfully humorous. He told me that a member of his staff, Mr. Douglas Hallett, had an office in the same suite with Mr. Hunt, and Hallett was talking with a wire service reporter while Hunt was in the other office. Colson said to me something to the effect: "Can you believe what a story that reporter might have had if Hunt had come walking out of his office while Hallett was being interviewed?"

Colson gave me the impression that this incident had occurred on June 17 or 19, but I do not recall which. However, I do recall Colson telling me that it had occurred, as Colson was very concerned about his relationship with Hunt.

To the best of my recollection the FBI contacted me during the morning of June 22 and requested an interview with Colson. I so informed Colson, and an interview was arranged for that day. Colson said that he wanted me present when he was interviewed and also wanted to meet with me prior to the interview. He was insistent that I be present because he was concerned that the FBI report of the interview might not be accurate and he wanted someone else to attest to his story.

Colson came to my office shortly before the scheduled meeting with the FBI. He said that he did not wish to get into unrelated matters and he said again that he had no information regarding the Watergate. I told him I presumed that the agents would only be interested in his knowledge about the Watergate and his relationship with Hunt.

The agents arrived, identified themselves, and somewhat to my surprise, gave Colson a warning of his rights, which he waived. I believe the committee has access to Mr. Colson's FBI interview, which was rather brief, Colson imparted very little information to them.

[The document referred to was marked exhibit No. 34–16.*]

Mr. Dean. I did not interject myself into the interview at any time, but did make some rough notes of items covered. In fact, I believe this was the only interview where I made any notes at all. I made these notes because Colson had expressed his concern before the interview regarding someone later being able to attest to his story.

I have submitted to the committee the very rough notes, which have also been transcribed from my handwriting—the rough notes that I hastily jotted down during the interview, and find them very revealing in light of the statement that was made during the nomination hearings of Mr. Patrick Gray for the FBI directorship, and would like to digress for a moment regarding the comment that was made during those hearings that "Dean probably lied" to the FBI as to whether Hunt had an office in the White House.

Dean Probably Lied

During the interview of Mr. Colson on June 22, the agents asked him if Mr. Hunt had an office in the White House. Colson responded that he thought Mr. Hunt had an office in the EOB, but he did not

*See p. 1160.

know where it was located. This question came up about midway through the interview and was not, as I recall, pursued further at that point by the agents, other than a question to me as to whether it would be possible to get the room number. I said yes. At the end of the interview and as the agents were departing, they asked me if they could see—not whether Mr. Hunt had—rather whether they could see Mr. Hunt's office right then. I told them I would have to check it out and get back to them.

Those are the facts as I remember them, and Colson happened to stop by my office on the day that Gray said I probably lied. I asked Colson for this recollection of the matter and he stated that he remembered it as I had remembered it. At that time I had forgotten that I had made the notes during Colson's interview, which clearly reflected that Colson had stated during the interview that Hunt had an office in the White House. A few days after Colson's interview I called the agents and told them I had the materials from Hunt's office and would get the material to them shortly.

I learned after Mr. Gray made his statement during his nomination hearing that he based his conclusion on a report, written by the agents, some 7 months after the incident. When I talked with Gray about the matter during his nomination hearings and he informed me that he did not feel he could retract the statement without creating more problems, I told him that I did not think that the agents involved should be brought into the matter because I was sure that they had honestly reported the matter as they had remembered it. I had dealt with the agents involved on several occasions and felt that they had called it the way they had remembered it, so I let the matter drop and decided that I would just have to take the rather unpleasant heat and live with it.

Mr. Chairman, this could be a point where I could summarize part of this statement regarding handling of the FBI interview with the White House and just merely state generally that they follow a very similar pattern.

Senator ERVIN. That would be all right if you could indicate for the committee the pages on which the statements are made that you summarize so we can have those pages printed in full in the body of the record.

Mr. DEAN. All right, sir. I will summarize beginning at the bottom of page 63 through 66 and merely note to the committee that the handling of the FBI interviews at the White House followed the pattern that had first been established by the interview with Mr. Colson. I cleared this procedure with Mr. Ehrlichman. He felt it was a good idea I was there. I was there when he was present or when he was interviewed and I think that the material is self-explanatory as to any questions that the committee might have regarding those interviews.

GENERAL HANDLING OF FBI INTERVIEWS AT THE WHITE HOUSE

As previously indicated the first person to be interviewed at the White House by the FBI was Colson and Colson had insisted that I be present during his interview and requested I review the matter with him prior to his interview. The Colson interview

EXHIBIT No. 34-16

HOW DID HUNT COME TO STAFF?

CC AS A CONSULTANT. I KNEW HIM. PENTAGON PAPERS NEEDED SOMEONE TO REVIEW. KNEW THAT HE WAS CAPABLE.

HOW DID YOU KNOW HIM?

CC SOCIAL

ASSOCIATED WITH CIA?

CC NO

POINT THAT WORKED ON DECLASSIFICATION PROJECT -- WHO?

CC DAVID YOUNG

STATUS: CC SAID ADVISED IN MARCH THAT HIS OFFICE ADVISED HIM NOT USING HUNT.

HUNT HAD OFFICE IN WHITE HOUSE

DO YOU KNOW A MISS HASTINGS - NO

DO YOU KNOW CADDY - NO

DO YOU KNOW ARRESTED INDIVIDUALS - NO

ALFRED BALDWIN - NO

DID YOU HIRE HUNT FOR SPECIFIC JOB - NO

DO YOU KNOW WHO FINANCED HUNT? - ONLY SALARY HERE, MULLEN & BOOKS

WORKED YOUR OFFICE RE LEAKS - NO

Senator BYRD. What would be the necessity of continuing to meet and talk with Mr. Ehrlichman after you had had the initial discussion with him to proceed?

Mr. GRAY. I don't know, and I am not going to go down that path until I can review my appointment records and review my recollection. I won't say I met with him 6, 8, 12 times, until I know. It may be less. But I am talking from recollection.

Senator BYRD. Can you indicate also for the record the content of the discussions that took place in each of those meetings?

Mr. GRAY. To the best of my recollection, yes, I will.

Senator BYRD. The dates and whether or not anyone else was present, what you discussed in each instance?

Mr. GRAY. Whether it was by telephone, whether it was by meetings.

Senator BYRD. In the material that you supplied for the committee, page 53 there was included a letterhead memo dated July 21, 1972, that you prepared at the request of and sent to John Dean, counsel to the President. On page 10 of that memo, you state:

> It was determined from Mr. John Dean that the personal effects of Everette Howard Hunt had been removed from Hunt's office in the Executive Office Building and brought to his, Dean's office. This material which was turned over to the FBI on June 27, 1972, included ancillary equipment for the transceivers and other equipment identical to items known to have been purchased by James Walter McCord, Jr.

What were the circumstances involved in Mr. Dean turning over the equipment in Mr. Hunt's office 10 days after the break in?

Mr. GRAY. This came up as a result of agents' desiring to find out whether or not Mr. Hunt had an office there. Mr. Dean said that he would have to check whether or not Mr. Hunt had an office there and would ascertain that.

Indeed, at this point in time, the White House records indicated that Howard Hunt had ceased his employment as of March 29, 1972.

We had previously ascertained that fact. Later we were delivered these materials and an inventory was made of these materials that were delivered to us. Included among those materials were a gun, electronic equipment tying in Hunt with the type of electronic equipment that was possessed by Mr. McCord, and top secret materials involving South Vietnam dispatches.

Senator BYRD. Did Mr. Dean volunteer this evidence?

Mr. GRAY. We really didn't ask him for it. We didn't ask for a search warrant because at that point in time, when we were talking with Mr. Dean, we really didn't know what we were looking for.

We didn't ask for a search warrant because we couldn't specify with particularity what we wanted. We didn't know.

Senator BYRD. I noted the FBI interviewed Mr. Dean on June 27; is this when the evidence was turned over?

Mr. GRAY. The evidence, as I recall, was turned over on June 26. Yes, this material was furnished to us on the morning of June 26, 1972.

Senator BYRD. You have indicated that there was electronic bugging equipment and there was a gun involved.

What other evidence was turned over to the FBI at this time by Mr. Dean?

Mr. GRAY. I would have to go to the inventory. There was a two-page inventory, as I recall. It is an exhibit to our summary, and I will produce that. It is a rather extensive inventory.

Senator BYRD. The next day Mr. Dean called you at 10:25 a.m., regarding leaks concerning material delivered to the FBI. What particular leak and what specific material did he have in mind?

Mr. GRAY. He was calling me then about those rumors that were continuing, as he put it, to the effect that the FBI was dragging its feet in this investigation and that a gun had been found in Mr. Hunt's effects. This was the subject of that call, as best as I can recollect it, sir.

Senator BYRD. On the same afternoon at 4:35 you called him. You state you have no recollection of the substance of that call. Could it have been with respect to Mr. Hunt's properties?

Mr. GRAY. No, I do not think it was. I covered that pretty thoroughly in that morning call. That is why I am sure it isn't. I have tried to remember it. It could have been on leaks, it could have been on toll call records, or it could have been on witness interviews, but I just don't know.

Senator BYRD. Going back to Mr. Dean, when he indicated that he would have to check to see if Mr. Hunt had an office in the Old Executive Office Building, he lied to the agents; didn't he?

Mr. GRAY. I would say looking back on it now and exhaustively analyzing the minute details of this investigation, I would have to conclude that that probably is correct, yes, sir.

Senator BYRD. Now, you just conclude that at this point.

How about on the 27th, the day after——

Mr. GRAY. No, sir. No, sir, there were none of us that discussed it in that time frame. We did not even consider it. We didn't think about it.

Senator BYRD. I cannot for the life of me, with all due respect to you, imagine how these things would not have occurred to you in the face of the chain of events that are on the record.

Mr. GRAY. We are looking at it in hindsight, Senator Byrd.

Senator BYRD. I am talking about the 27th—looking back on the 19th and the 22d of June.

Mr. GRAY. I think you have to place it in the proper perspective as we looked at it with a fast moving, fast-paced investigation, with events and reports and details coming in. I am saying to you that it did not occur to us then. We were concerned at the time about the chain of custody. There is no question about that.

Senator BYRD. Mr. Gray, hindsight is a very useful agent. Let's take hindsight for a moment. You indicated that Mr. Dean probably lied to the FBI agents as you now look back, yet yesterday you said you would continue to send to him raw FBI files if he requested them. Why would you now continue to send raw FBI files to an individual who probably lied, to use your words, to an FBI agent?

Mr. GRAY. Well, Senator Byrd, I think that you have got to realize once again that I am a Bureau Chief in an executive department of the Government, that I have to take orders from somebody, that I do report to somebody, that I am just not out there in the open, you know, independent and doing exactly as I please, and that man is Counsel to the President of the United States.

Senator BYRD. I recognize all this.

Mr. GRAY. I think you know that his first duty—I would like, if I may, to let the record clearly show that I have testified that his first duty was to the President of the United States in connection with the

29. On or about June 22, 1972 Acting FBI Director L. Patrick Gray met with John Dean. Gray told Dean the FBI had discovered that a $25,000 check drawn by Kenneth Dahlberg and four checks totalling $89,000 drawn on a bank in Mexico City payable to Manuel Ogarrio had been deposited in a Miami, Florida bank account of Bernard Barker, one of the persons arrested on June 17, 1972 at the DNC headquarters in the Watergate. Gray and Dean discussed the FBI's alternative theories of the Watergate case, including the theory that the break-in was a covert operation of the CIA. Either that same day or the following morning Dean reported to Haldeman on his meeting with Gray, and Haldeman in turn transmitted the essence of the report to the President.

Page

29.1 L. Patrick Gray log, June 22, 1972 (received from SSC).....338

29.2 L. Patrick Gray testimony, 9 SSC 3451.....339

29.3 John Dean testimony, 3 SSC 942-43.....340

29.4 Memorandum from C. W. Bates to Charles Bolz, June 22, 1972, 1-2 (received from SSC).....342

29.5 Telegram from FBI Washington Field Office to L. Patrick Gray, June 22, 1972, 1-2 (received from SSC)..346

29.6 H. R. Haldeman testimony, Subcommittee of the Senate Appropriations Committee, Hearings on Purported Attempt to Involve the Central Intelligence Agency in the Watergate and Ellsberg Incidents, Executive Session, May 31, 1973, 360-61.....348

29.7 H. R. Haldeman testimony, 8 SSC 3040.....350

29.1 L. PATRICK GRAY LOG, JUNE 22, 1972

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

DATE THUR., JUNE 22, 1972

Time	Caller	VIA	Action	Initials
9 15	Mr. Gray	Tele	(New London, Ct.) Spoke to Mr. Max Shapiro	RET
9 17	Mr. Gray	Tele	(Andrews AFB) Spoke to Maj. Patrick O'Donnell	RET
9 27	Mr. Bates & SAC Kunkel	Pers	Saw Mr. Gray	RET
10 05	Mr. J.P. Mohr	Pers	Saw Mr. Gray	RET
1	Bureau Photographer	1	1 1	1
9 21	Mr. Gray	Tele	Senator Weicker — No Answer	RET
9 22	Mr. Gray	Tele	Cong. John J. Rooney — Out, Left Word	RET
9 22	Mr. Gray	Tele	(Phila., Pa.) Spoke to Mr. Creed Black	RET
9 24	Mr. Gray	Tele	Mr. John W. Dean — Out, Left Word	RET
10 11	Mr. John W. Dean	Tele	Spoke to Mr. Gray	RET
10 15	Mr. John W. Dean	Tele	Spoke to Mr. Gray	RET
3 23	Sen. Roman Hruska	Tele	Left Word	PED
4 59	Mr. Bates	Pers	Saw Mr. Gray	RET
5 02	Mr. Gray	Tele	Spoke to Mr. John W. Dean III	RET
5 23	Mr. Gray	Tele	Spoke to Mr. Richard Helms, CIA	RET
5 26	Mr. John W. Dean III	Pers	saw Mr. Gray	PED
7 01	Mr. Bates	Tele	spoke to Mr. Gray	PED
4 32	Office Closed			PED

DIRECTOR:	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -

DR

assist him in his inquiry. I asked Mr. Dean if he would be reporting directly to the President or through Mr. Haldeman or Mr. Ehrlichman. He informed me that he would be reporting directly to the President.

At this meeting with Mr. Dean there was no discussion of whom we were going to interview or where our leads might take the investigation. We did discuss the scheduling of White House interviews through Mr. Dean and his sitting in on the interviews as counsel to the President.

On Thursday, June 22, 1972, after being briefed by Mr. Charles W. Bates, Assistant Director, General Investigative Division, regarding the latest developments in the *Watergate* case and undoubtedly as a result of information developed at that briefing, I telephoned Director Helms of the CIA. I told him of our thinking that we may be poking into a CIA operation and asked if he could confirm or deny this. He said he had been meeting on this every day with his men, that they knew the people, that they could not figure it out but that there was no CIA involvement.

I met again with Mr. Dean at 6:30 p.m. the same day to again discuss the scheduling of interviews of White House staff personnel and to arrange the scheduling of these interviews directly through the Washington field office rather than through FBI headquarters. At this meeting I also discussed with him our very early theories of the case; namely, that the episode was either a CIA covert operation of some sort simply because some of the people involved had been CIA people in the past, or a CIA money chain, or a political money chain, or a pure political operation, or a Cuban right wing operation, or a combination of any of these. I also told Mr. Dean that we were not zeroing in on any one theory at this time, or excluding any, but that we just could not see any clear reason for this burglary and attempted intercept of communications operation.

I believe that it was at this meeting on June 22 that I told him of our discovery of a bank account in the name of Bernard Barker, who was arrested in the Watergate burglary, and the fact that a $25,000 check associated with Kenneth Dahlberg and four checks drawn on a Mexican bank payable to Manuel Ogarrio, in the total amount of $89,000, were deposited in the Barker account. I do not have a clear memory of telling him about my telephone call earlier in the day to Director Helms regarding the question of CIA involvement. It is likely that I would have discussed the Helms call with him in connection with our discussion of the theories of the case, since Mr. Helms had informed me that there was no CIA involvement.

On Friday, June 23, 1972, Mr. Bates met with me again to brief me on recent developments. I telephoned Mr. Dean following my meeting with Mr. Bates. I am quite certain that this call again involved the Barker bank account and the Ogarrio and Dahlberg checks. Either in this call or in the meeting of the preceding evening Mr. Dean first raised with me the idea that if we persisted in our efforts to investigate this Mexican money chain we could uncover or become involved in CIA operations. I remember telling Mr. Dean in one of these early telephone calls or meetings that the FBI was going to pursue all leads aggressively unless we were told by the CIA that there was a CIA interest or involvement in this case.

FIRST MEETINGS WITH MR. GRAY REGARDING THE INVESTIGATION

I believe that it was on June 21 that I first met with Gray in his office in the late morning regarding the FBI's investigation. At that meeting he told me he fully realized the sensitive nature of the investigation they were pursuing and that he had placed his most trusted senior people in charge of the investigation. I told Gray that I had been asked to be kept informed about the investigation. Mr. Gray told me that he had been visiting a number of regional offices and would be doing so in the future. Thus, if I needed any information I should call Mr. Mark Felt in his absence. I might note at this point that indeed Gray was frequently absent from the city during the course of the investigation and this irritated Ehrlichman greatly when he asked me to get information from Gray and Gray was out of the city. On several occasions, in fact, Ehrlichman instructed me to tell Gray to return to the city and mind the store. I passed this message to Gray, but I cannot recall what prompted Ehrlichman to have me do so at this time.

During my meeting with Gray on June 21 he also told me a man by the name of Mr. Bates was heading the investigation. I do not know Mr. Bates, and when I reported this back to Ehrlichman and he asked me who Bates was, I told him I did not know Bates. I can recall on several occasions Ehrlichman asking me if I thought that Gray knew what he was doing and if he had the investigation under control. I responded that he seemed to be relying on men in whom he had full trust.

To the best of my recollection, it was during this June 21 meeting with Gray that he informed me that the FBI had uncovered a number of major banking transactions that had transpired in the account of one of the arrested Cubans—Mr. Barker. He informed me that they had traced a $25,000 check to a Mr. Kenneth Dahlberg and four checks totaling $89,000 to a bank in Mexico City.

I do not recall whether I first learned about the Dahlberg check from Mr. Gray or whether I learned about it in a meeting in Mitchell's office by reason of the fact that the FBI was trying to contact Mr. Dahlberg about the matter and Dahlberg had called Mr. Stans. At any rate, the fact that the FBI was investigating these matters was of utmost concern to Mr. Stans when he learned of it. Stans was concerned about the Dahlberg check, I was informed, because it was in fact a contribution from Mr. Dwayne Andreas, whom I did not know, but I was told was a longtime backer of Senator Hubert Humphrey. Neither Stans nor Mitchell wanted Mr. Andreas to be embarrassed by disclosure of the contribution. The concern about the Mexican money was made a little less clear to me. I was told it was a contribution from a group of Texans who had used an intermediary in Mexico to make the contribution. Although I had not been told, I assumed at that time that they were concerned because it sounded to me as if it might have been a corporate contribution and clearly a violation of the law.

Mr. Stans also explained that he had checked with Sloan to find out how this money had ended up in Mr. Barker's bank account and Sloan reported that he had given the checks to Liddy and requested that he cash them: He said he had no idea how Liddy had cashed them, but surmised that he had obviously used Barker to cash them. I was also

told—and I do not recall specifically who told me this—that this money had absolutely nothing to do with the Watergate; it was unrelated and it was merely a coincidence of fact that Liddy had used Barker to cash the checks and Liddy had returned the money to Sloan. I was told that the investigation of this matter which appeared to be connected with Watergate but wasn't, was unfounded and would merely result in an unnecessary embarrassment to the contributors. Accordingly, Mitchell and Stans both asked me to see if there was anything the White House could do to prevent this unnecessary embarrassment. I, in turn, related these facts to both Haldeman and Ehrlichman. On June 22, at the request of Ehrlichman and Haldeman I went to see Mr. Gray at this office in the early evening to discuss the Dahlberg and Mexican checks and determine how the FBI was proceeding with these matters. Mr. Gray told me that they were pursuing it by seeking to interview the persons who had drawn the checks.

It was during my meeting with Mr. Gray on June 22 that we also talked about his theories of the case as it was beginning to unfold. I remember well that he drew a diagram for me showing his theories. At that time Mr. Gray had the following theories: It was a setup job by a double agent; it was a CIA operation because of the number of former CIA people involved; or it was someone in the reelection committee who was responsible. Gray also had some other theories which he discussed, but I do not recall them now, but I do remember that those I have mentioned were his primary theories.

Before the meeting ended, I recall that Gray and I again had a brief discussion of the problems of an investigation in the White House. Gray expressed his awareness of the potential problems of such an investigation and also told me that if I needed any information I should call either Mark Felt or himself. Gray also informed me that he was going to meet with the CIA to discuss their possible involvement and he would let me know the outcome of that meeting.

On June 23 I reported my conversation with Gray of the preceding evening to Ehrlichman and Haldeman. We discussed the Dahlberg and the Mexican checks and the fact that the FBI was looking for answers regarding these checks. I had the impression that either Ehrlichman or Haldeman might have had a conversation with someone else about this matter but this was mere speculation on my part at that time.

Within the first days of my involvement in the coverup, a pattern had developed where I was carrying messages from Mitchell, Stans, and Mardian to Ehrlichman and Haldeman—and vice versa—about how each quarter was handling the coverup and relevant information as to what was occurring. I was also reporting to them all the information I was receiving about the case from the Justice Department and the FBI. I checked with Haldeman and Ehrlichman before I did anything. One of the few sets of early documents evidencing this working relationship with Haldeman and Ehrlichman relates to responding to Larry O'Brien's letter of June 24 to the President requesting the appointment of a special prosecutor. I have submitted these documents to the committee.

[The documents referred to were marked exhibit No. 34–17.*]

*See p. 1161.

35-780 O - 74 - 23

Felt
Mohr
Rosen
Bates
Bishop
Callahan
Campbell
Casper
Cleveland
Conrad
Dalbey
Marshall
Miller,E.S.
Ponder
Soyars
Walters
Tele.Room
Mr. Kinley
Mr. Armstrong
Ms.Herwig
Mrs.Neenan

Indistinct document retyped by House Judiciary Committee staff

UNITED STATES GOVERNMENT

Memorandum

TO : [Mr. Bolz] DATE: June 22, 1972

FROM : C. W. Bates

SUBJECT: JAMES W. McCORD, JR., AND OTHERS
BURGLARY OF DEMOCRATIC PARTY
NATIONAL HEADQUARTERS, 6/17/72
INTERCEPTION OF COMMUNICATIONS

At 4:00 p.m. on 6/21/72, Mr. Felt, SAC Kunkel of WFO and I met with Mr. Gray on this case. We brought him up to date on all aspects. It was agreed that this was most important,that the FBI's reputation was at stake, and that the investigation should be completely impartial, thorough and complete. Several points were discussed and these have already been furnished to the field for handling, such as reinterview with McCuin to identify the Secret Service official, further details regarding the $100 bills.

In answer to our question, Mr. Gray instructed as follows: Hold up any dissemination of this information to Department or White House. Hold up electronic sweep. Hold any interviews of White House personnel.

SAC Kunkel broached the theory that this was in furtherance of the White House efforts to locate and identify "leaks." It was admitted this was a theory. Mr. Gray said we should, of course, consider this but not let it influence our complete investigation. I assured him the investigation was going full speed and that I would keep him briefed on any developments.

At Mr. Gray's request, SAC Kunkel and I met with him at 9:30 a.m., 6/22/72. He was brought up to date on developments overnight and was informed that all points he raised yesterday were being thoroughly explored. At this meeting he again instructed that the dissemination be held up and that the electronic sweeps be held. I told him that both the CIA and the Metropolitan Police had inquired of WFO about briefings in this matter and that I felt we should brief no one. He agreed.

CWB:ige
(1)

CONTINUED-OVER

Indistinct document retyped by House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

Memorandum to Mr. Bolz
Re: JAMES W. McCORD, JR., AND OTHERS

At 10:25 a.m., Mr. Gray called me and authorized our making an offer to the Democratic National Committee, the Credentials Committee, and the Republican National Committee for electronic sweep of their facilities. He also authorized a contact with Mr. John Dean of the White House regarding interviews and information needed there. This is being immediately handled by WFO.

While on the phone with him, I advised him of a new development: Subject Barker had tried to cash a cashier's check with the Republic National Bank, Miami, on 4/24/72. This check was drawn on the Boca Raton Bank and was for $25,000. The Republic Bank checked with the Boca Raton Bank and they were advised the check was good and had been obtained by Mr. Kenneth Harry Dahlberg. Our files show Dahlberg was investigated at the request of the White House in December, 1969. He is an industrialist from Minnesota, is a millionaire, and has been active in the Republican Party in the Midwest for a number of years. The White House records disclosed he was not presently connected with the White House.

I talked to Mr. Gray again at 5 p.m. on 6/22/72 after his return to the office. I again went over the latest developments.

At 3:15 pm on 6/23/72 Mr. Gray called me. He said he had just talked to the Deputy Director of CIA in his office and he briefed me in detail regarding the conversation. I again told him I felt the FBI had no choice but to continue our full investigation and obtain all the details. He agreed.

At 6:00 p.m. on 6/23/72 Mr. Gray called me. He said he had just talked with Sandy Smith, a reporter for TIME magazine. Smith told him that TIME had adverse information affecting Mr. Gray but not affecting the FBI; that Gray had refused to permit Agents to check Colson's telephone toll calls and to interview him and that Gray had instructed this investigation be wrapped up in 24-48 hours, the inferrence being it would be a whitewash by the FBI on Gray's instructions. Mr. Gray told me he told Smith that the question had not arisen regarding Colson's toll calls; that we had checked with Colson to get toll calls made by Hunt; that he had not instructed the case be wrapped up in 48 hours but had instructed that it receive immediate priority attention and that he had indicated he had held up the electronic sweep of the Democratic and Republican headquarters until he had all necessary facts and that the sweep had now been ordered. Mr. Gray instructed that I have all Agents in

-2-

Indistinct document retyped by
House Judiciary Committee staff

THE EIGHT REMAINING PAGES OF THIS MEMORANDUM DO NOT PERTAIN TO PARAGRAPH 29.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: June 22, 1972

FROM : C. W. Bates

SUBJECT: JAMES W. McCORD, JR., AND OTHERS
BURGLARY OF DEMOCRATIC PARTY
NATIONAL HEADQUARTERS, 6/17/72
INTERCEPTION OF COMMUNICATIONS

At 4:00 p.m. on 6/21/72, Mr. Felt, SAC Kunkel of WFO and I met with Mr. Gray on this case. We brought him up to date on all aspects. It was agreed that this was most important, that the FBI's reputation was at stake, and that the investigation should be completely impartial, thorough and complete. Several points were discussed and these have already been furnished to the field for handling, such as reinterview with McCuin to identify the Secret Service official, further details regarding the $100 bills.

In answer to our question, Mr. Gray instructed as follows: Hold up any dissemination of this information to Department or White House. Hold up electronic sweep. Hold any interviews of White House personnel.

SAC Kunkel broached the theory that this was in furtherance of the White House efforts to locate and identify "leaks." It was admitted this was a theory. Mr. Gray said we should, of course, consider this but not let it influence our complete investigation. I assured him the investigation was going full speed and that I would keep him briefed on any developments.

At Mr. Gray's request, SAC Kunkel and I met with him at 9:30 a.m., 6/22/72. He was brought up to date on developments overnight and was informed that all points he and of yesterday were being thoroughly explored. At this meeting he again indicated that the dissemination be held up and that the electronic sweeps be held. I told him that both the C.I.A. and the F.B.I. reputation [illegible] should be handling in this matter and that I felt we should brief no one. He agreed.

(1)

CONTINUED - OVER

DR

Memorandum to C. W. Bates
Re: L. P. [illegible] WATERGATE, JR., AND OTHERS

At 10:25 a.m., Mr. Gray called me and authorized our making an offer to the Democratic National Committee, the Credentials Committee, and the Republican National Committee for electronic sweep of their facilities. He also authorized a contact with Mr. John Dean of the White House regarding [illegible] and information needed there. This is being immediately handled by WFO.

While on the phone with him, I advised him of a new development: Subject Barker had tried to cash a cashier's check with the Republic National Bank, Miami, on 4/24/72. This check was drawn on the Boca Raton Bank and was for $25,000. The Republic Bank checked with the Boca Raton Bank and they were advised the check was good and had been obtained by Mr. Kenneth Harry Dahlberg. Our files show Dahlberg was investigated at the request of the White House in December, 1969. He is an industrialist from Minnesota, is a millionaire, and has been active in the Republican Party in the Midwest for a number of years. The White House records disclosed he was not presently connected with the White House.

I talked to Mr. Gray again at 5 p.m. on 6/22/72 after his return to the office. I again went over the latest developments.

At 3:15 pm on 6/23/72 Mr. Gray called me. He said he had just talked to the Deputy Director of CIA in his office and he briefed me in detail regarding the conversation. I again told him I felt the FBI had no choice but to continue our full investigation and obtain all the details. He agreed.

At 6:00 p.m. on 6/23/72 Mr. Gray called me. He said he had just talked with Sandy Smith, a reporter for TIME magazine. Smith told him that TIME had adverse information affecting Mr. Gray but not affecting the FBI; that Gray had refused to permit Agents to check Colson's telephone toll calls and to interview him and that Gray had instructed this investigation be terminated [illegible] Gray told [illegible] he told Smith that it was possible [illegible] not to [illegible] regarding Colson's toll calls; that we had checked with Colson [illegible] got the calls made by Hunt; that he had not instructed the case be terminated [illegible] but had instructed [illegible] it was to continue insofar as privacy of Colson and [illegible] but to be limited [illegible] hold up the check for the sweep of the Democratic and [illegible] Colson to explain [illegible] all the necessary facts and [illegible] same [illegible] know been ordered. Mr. Gray indicated that I have all Agents in

-2-

DR

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 22 1972

TELETYPE

Mr. Rosen
Mr. Bates
Mr. Bishop
Mr. Gallagher
Mr. Campbell
Mr. Casper
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Marshall
Mr. Miller, E.S
Mr. Ponder
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

NR 005 WF PLAIN

7:14PM IMMEDIATE 6-22-72 ASW

TO ACTING DIRECTOR

FROM WASHINGTON FIELD SIX PAGES

JAMES WALTER MC CORD, JR., ET AL, BURGLARY, DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON,DC, JUNE SEVENTEEN SEVENTYTWO; IOC; 00-WFO.

Interception of Communications
Office of Origin: Washington Field Office

SUMMARY OF INVESTIGATION.

INVESTIGATION AT REPUBLIC NATIONAL BANK, MIAMI, FLORIDA, REVEALED BANK RECORDS REGARDING "BARKER ASSOCIATES, INC." REFLECT FOUR CHECKS DEPOSITED TO BARKER ASSOCIATES, INCORPORATED ACCOUNT TOTALING EIGHTY NINE THOUSAND DOLLARS. ALL CHECKS DATED APRIL FOUR SEVENTYTWO. TWO CHECKS WERE DRAWN ON BANCO INTERNACIONAL, MEXICO CITY. BARKER ATTEMPTED TO CASH THESE CHECKS ON APRIL TWENTYONE SEVENTYTWO BUT MIAMI BANK REFUSED UNTIL CHECKS WERE DEPOSITED AND CLEARED THROUGH FOREIGN BANK. BARKER RECEIVED CASH FOR THESE DEPOSITS ON MAY EIGHT SEVENTYTWO. ON THAT SAME DATE BARKER RECEIVED APPROXIMATELY TEN THOUSAND DOLLARS IN NEW ONE HUNDRED

END PAGE ONE

PAGE TWO

DOLLAR BILLS BUT REPUBLIC NATIONAL BANK DID NOT MAKE ANY NOTE OF THE SERIAL NUMBERS.

A SUBPOENA WAS SERVED TODAY AT MARYLAND NATIONAL BANK, EIGHT FOUR ZERO ZERO BALTIMORE BOULEVARD, COLLEGE PARK, MARYLAND, TO THE CUSTODIAN OF RECORDS FOR ALL RECORDS AND ACCOUNTS, ETC., PERTAINING TO JAMES W. MC CORD AND RECORDS OF MC CORD ASSOCIATES, BOTH OF ROCKVILLE, MARYLAND. THESE RECORDS ARE BEING REPRODUCED AND WILL BE TURNED OVER TO THE FBI.

ON THIS SAME DATE, SAC, WFO PERSONALLY CONTACTED SENATOR ROBERT DOLE REPUBLICAN COMMITTEE NATIONAL CHAIRMAN, AND LAWRENCE O' BRIEN, CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE REGARDING THE "SWEEP" OF THE ABOVE HEADQUARTERS FOR BOTH PARTIES. BOTH WERE AGREEABLE. MR. O'BRIEN SUGGESTED THAT DUE TO A PRIOR BURGLARY AT THE OFFICE OF THE CHAIRMAN OF THE CREDENTIAL COMMITTEE, SHOULD BE INCLUDED IN THE SWEEP., FORMER ASSISTANT

END PAGE TWO

THE FOUR REMAINING PAGES OF THIS TELEGRAM DO NOT PERTAIN TO PARAGRAPH 29.

Indistinct document retyped by
House Judiciary Committee staff

Mr. Haldeman. I don't believe anyone else was.

Chairman McClellan. Just you and the President?

Mr. Haldeman. Yes, sir.

Chairman McClellan. You say the five points you set out in your statement are the reasons given you by the President for the necessity of that meeting.

Mr. Haldeman. Yes, sir. If I can describe the chronology there, it might be helpful.

Chairman McClellan. Start from the moment the President contacted you or began talking to you about a meeting. Start with that and give us your whole version of what happened from the minute you first knew that the President wanted a meeting set up.

Mr. Haldeman. With your permission, could I go back a step prior to that?

Chairman McClellan. We do not want to restrict or limit you in any way. You give us the true story, beginning with when you first knew that the President was interested in and wanted this meeting set up, the reasons why he wanted such a meeting, and what was to be the hoped for result, what was the objective of the meeting, what purpose was it to serve.

Mr. Haldeman. Right.

Either that morning, the 23rd or the preceeding afternoon, and I am not sure which, afternoon or evening, John Dean, as I can best recall this, and again it is trying to recall events

Retyped from indistinct original

Indistinct document retyped by
House Judiciary Committee staff

of a year ago, John Dean told me that the FBI was concerned about the question of whether there might be CIA involvement in some aspects of the Watergate affair, either directly or indirectly.

In raising this concern of the FBI, I felt that something needed to be done at that point in time to guide the FBI as to whether there was involvement and, if so, what, and what problems there might be in that respect. I transmitted this report, in essence, to the President, I believe on the morning of the 23rd.

Chairman McClellen. That was John Dean who talked to you the day before?

Mr. Haldeman. Either the day before or that morning. I am not sure which.

Chairman McClellen. What authority or what responsibility did John Dean have in the matter at the time he talked to you? From what authority or motivation was he becoming involved or was involved at that time?

Mr. Haldeman. John Dean was Counsel to the President. One of his areas of responsibility was the liaison and contact between the White House and the Justice Department and the FBI. In that regard, he was the man at the White House who was maintaining the hour-by-hour contact with the Bureau and other Justice Department officials in their investigation of the Watergate matter.

Retyped from indistinct original

Mr. DASH. At that meeting do you recall that there was a general discussion as to what happened, what information was current concerning the break-in and the relationship with the committee?

Mr. HALDEMAN. I have no specific recollection of the contents of that meeting but I am sure, that given the time situation, that it must have been in regard to the Watergate break-in.

Mr. DASH. Now, it is true, if you look at your record that during that period right after you get back there are about two or three meetings on different days.

Mr. HALDEMAN. Yes.

Mr. DASH. I think you met with him on the 20th, on the 23d, and on the 26th. Does your record show that?

Mr. HALDEMAN. I show--there is an example now of my log of June 20 that does not show a meeting with those people that I have identified, that I have got in my summary here as a result of information from other sources. What my log shows is a meeting in John Ehrlichman's office which is all my secretary would know. She didn't know who was in the meeting.

Mr. DASH. Right.

Mr. HALDEMAN. I am sorry then you were going——

Mr. DASH. I was saying do you have a record of a meeting with Mr. Dean on the 23d and again on the 26th after the meeting with him on the 20th?

Mr. HALDEMAN. Not in the log, no. The 23d?

Mr. DASH. Yes.

Mr. HALDEMAN. It doesn't show me I don't believe.

Mr. DASH. Do you have it in the summary that you have received from other sources?

Mr. HALDEMAN. No; that doesn't show a meeting with Dean, either. I think I talked with Dean on the phone that day, that morning. I don't believe I met with him but I am not sure.

Mr. DASH. You indicated in your earlier testimony that Mr. Dean did give you a report of what happened and told you at that time that he had told you earlier about telling you after one of the meetings.

Could you place in any one of those meetings when he told you?

Mr. HALDEMAN. No; I can't.

Mr. DASH. Would it be your recollection that it would be during that week when you got back?

Mr. HALDEMAN. Not necessarily, no. As I say, the only meeting that I see with Dean during that week was the meeting in Mr. Ehrlichman's office on the 20th apparently.

Mr. DASH. Did the President either communicate with you or did you have a meeting with the President prior, shortly prior, to June 23, 1972?

Mr. HALDEMAN. I am sure I did. Do you want me to check?

Mr. DASH. You met frequently with the President so you——

Mr. HALDEMAN. Yes, sir.

Mr. DASH. So you are pretty sure you can find such a meeting?

Do you recall prior to that meeting on June 23, the President having a discussion with you concerning the investigation that would be ongoing with regard to the Watergate break-in and a concern he had that such an investigation by the FBI might include the work of the special investigating unit in the White House and also the CIA?

30. On June 22, 1972 the President held a press conference. He was asked whether he had made an investigation to determine whether there was a direct link between the people who bugged the DNC headquarters and the White House. The President said:

> Mr. Ziegler and also Mr. Mitchell, speaking for the campaign committee, have responded to questions on this in great detail. They have stated my position and have also stated the facts accurately.
>
> This kind of activity, as Mr. Ziegler has indicated, has no place whatever in our electoral process, or in our governmental process. And, as Mr. Ziegler has stated, the White House has had no involvement whatever in this particular incident.
>
> As far as the matter now is concerned, it is under investigation, as it should be by the proper legal authorities, by the District of Columbia Police, and by the FBI. I will not comment on those matters, particularly since possible criminal charges are involved.

Page

30.1 President Nixon news conference, June 22, 1972, 8 Presidential Documents 1078-79. 352

in 1952 from Cornell and his LL.B. from Harvard in 1955. He was admitted to the bar of the State of California in 1956.

Erickson is married and has two children. He resides in McLean, Va.

NOTE: The announcement was released at Key Biscayne, Fla.

United Nations Conference on the Human Environment

Statement by the President on the Conference Held June 5–16 in Stockholm. June 20, 1972

I have just received a report on the United Nations Conference on the Human Environment concluded last Friday at Stockholm from Chairman Train who headed the large and distinguished United States delegation.

The United States has worked long and hard over the past 18 months to help make the Conference a success. Representatives of 113 nations met together for 2 weeks to produce an impressive number of agreements on environmental principles and recommendations for further national and international action in this important field.

The United States achieved practically all of its objectives at Stockholm.

(1) The Conference approved establishment of a new United Nations unit to provide continued leadership and coordination of environmental action, an important step which had our full support.

(2) The Conference approved forming a $100 million United Nations environmental fund which I personally proposed last February.

(3) The Conference overwhelmingly approved the U.S. proposal for a moratorium on commercial killing of whales.

(4) The Conference endorsed our proposal for an international convention to regulate ocean dumping.

(5) The Conference endorsed the U.S. proposal for the establishment of a World Heritage Trust to help preserve wilderness areas and other scenic natural landmarks.

However, even more than in the specific agreements reached, I believe that the deepest significance of the Conference lies in the fact that for the first time in history, the nations of the world sat down together to seek better understanding of each other's environmental problems and to explore opportunities for positive action, individually and collectively.

The strong concern of the United States over the fate of our environment has also been demonstrated in our direct dealings with individual nations. The Great Lakes Water Quality Agreement which I signed in Ottawa this April with Prime Minister Trudeau was evidence of the high priority this Administration places on protecting the environment. The Environmental Agreement which I signed in Moscow on May 23 is proof of the desire of our Nation to work together with the others on the common tasks of peace.

I am proud that the United States is taking a leading role in international environmental cooperation, and I congratulate our U.S. delegation on its success at Stockholm. The governments and people of the world must now work together to make the objectives of the Stockholm Conference a reality.

THE PRESIDENT'S NEWS CONFERENCE OF JUNE 22, 1972

THE PRESIDENT. *Ladies and gentlemen:*

Next week before the Congress recesses, I am planning to have a general news conference. Prior to that time, in talking to Mr. Ziegler, I found that a number of members of the press, looking back at previous news conferences, have indicated that there is a tendency for foreign policy and defense policy questions to dominate the conferences so much that questions on domestic policy do not adequately get covered.

As a matter of fact, I have noted several of you in your commentaries, after some news conferences, have indicated that we have not given enough attention to the domestic issues.

So, subsequently, after discussing the matter with Mr. Ziegler, I thought it would be useful this week, on this occasion, to have you here in the office for the purpose of covering domestic issues only. The session next week will be open to both foreign policy, defense policy, and domestic issues.

So, today we will take all questions on domestic issues and next week you can cover all three areas to the extent you wish to.

BUGGING OF DEMOCRATIC HEADQUARTERS

Q. Mr. O'Brien has said that the people who bugged his headquarters had a direct link to the White House. Have you had any sort of investigation made to determine whether this is true?

THE PRESIDENT. Mr. Ziegler and also Mr. Mitchell, speaking for the campaign committee, have responded to questions on this in great detail. They have stated my position and have also stated the facts accurately.

This kind of activity, as Mr. Ziegler has indicated, has no place whatever in our electoral process, or in our governmental process. And, as Mr. Ziegler has stated, the White House has had no involvement whatever in this particular incident.

As far as the matter now is concerned, it is under investigation, as it should be, by the proper legal authorities,

by the District of Columbia police, and by the FBI. I will not comment on those matters, particularly since possible criminal charges are involved.

Food Prices

Q. Mr. President, wholesale food prices have lead to increases in the cost of living in the last few weeks. Are you considering any kind of controls over the price of food?

THE PRESIDENT. In the whole area of inflation we have had a period of pretty good news generally. As you know, in 1969 and early 1970 the rate of inflation, the CPI, peaked out at 6 percent. Since that time it has been moving down and particularly since the August 15 new policy with the control system was announced, it has now been cut approximately in half, running at around the rate of 3 percent. The most troublesome area however is the one you have referred to—food prices.

We cannot take too much comfort from the figures that came out yesterday because as you know they actually reflected a slight drop in food prices. I met yesterday, however, with the Quadriad and Mr. Stein reported that the weekly reports that we get, which, of course, were not reflected in yesterday's numbers, indicate that meat prices, particularly, are beginning to rise again and rising very fast.

For that reason, I have directed that the Cost of Living Council which will be meeting this afternoon look into this matter to see what further action can be taken to deal specifically with food prices, but particularly with meat prices.

Now with regard to meat prices, to give you an indication of the direction of my thinking, you can move on the control side. But as we all remember in that period immediately after World War II, when we had controls but too much demand and too little supply, and all the black markets, controls alone will not work unless you also move on the supply side.

At the present time, we have apparently a world shortage of meat, and particularly a shortage of meat in the United States where the demand is constantly going up, as the income of our people goes up.

We have to get, therefore, at the problem of supply. Consequently, one of the areas that I am exploring is the quota system. I have directed our staff to check into the advisability of a temporary lifting of quotas on imported meat which will move on the supply side. It will not affect the problem immediately, but at least it would affect it over the next few months.

That does not rule out, also, the possibility of moving on the control side and the control side is a matter where the Cost of Living Council is presently, or will be at 4 o'clock this afternoon, considering a number of options which I will consider as the matter develops.

Defense Budget and SALT Agreements

Mr. President, this may be a borderline question in the domestic field, but I believe it may fall there since the issues are before Congress. Could you tell us your view of the relationship between the development of offensive weapons, as proposed in your defense budget, and the SALT agreements?

THE PRESIDENT. I have noted the progress of the debate in the committee, and particularly the controversy, or alleged controversy and contradiction which seems in some quarters to have been developed between the views of the Secretary of Defense and the views that I have expressed and the views that have been expressed by Dr. Kissinger and Secretary Rogers.

I think that I can put the thing in context best by first pointing out the Secretary of Defense's position, and then relating that position to the overall position of the United States in attempting to develop policy that will adequately protect the security of the United States and also move forward on the arms limitation front.

The Secretary of Defense has a responsibility, as I have a responsibility, to recommend to the Congress action that will adequately protect the security of the United States. Moving on that responsibility, he has indicated that if the SALT agreement is approved, and then if the Congress rejects the programs for offensive weapons not controlled by the SALT agreement, that this would seriously jeopardize the security of the United States. On that point he is correct.

What I would suggest to the Congress and would recommend to individual Congressmen and Senators, who will have the responsibility of voting on this matter, is the following course: First, the arms limitation agreements should be approved on their merits. I would not have signed those agreements unless I had believed that, standing alone, they were in the interest of the United States. As a matter of fact, the offensive limitation is one that is particularly in our interest because it covers arms where the Soviet Union has on-going programs which will be limited in this 5-year period, and in which we have no ongoing programs.

So, consequently, I would recommend and strongly urge that the Congress approve the ABM treaty, and also the limited, temporary, offensive limitations curb. However, after the Congress moves in that field, all Congressmen and Senators—and this would, of course, include them all—who are concerned about the security of the United States should then vote for those programs that will provide adequate offensive weapons in the areas that have been recommended by the Secretary of Defense and by the Administration.

Now the reason for that is twofold: first, because if we have a SALT agreement and then do not go forward with these programs, the Soviet Union will, within a matter of a very limited time, be substantially ahead of the United States overall, particularly in the latter part of the seventies.

If the United States falls into what is a definitely second position, inferior position to the Soviet Union overall in its defense programs, this will be an open invitation for more instability in the world and an open invitation,

31. On June 23, 1972 H. R. Haldeman met with the President and informed the President of the communication John Dean had received from Acting FBI Director Gray. The President directed Haldeman to meet with CIA Director Richard Helms, Deputy CIA Director Vernon Walters and John Ehrlichman. Haldeman has testified that the President told him to ascertain whether there had been any CIA involvement in the Watergate affair and whether the relationship between some of the Watergate participants and the Bay of Pigs incident was a matter of concern to CIA. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert CIA operations and operations of the White House Special Investigations Unit (the "Plumbers"), not related to Watergate, that had been undertaken previously by some of the Watergate principals. The President directed Haldeman to ask Walters to meet with Gray to express these concerns and to coordinate with the FBI, so that the FBI's investigation would not be expanded into unrelated matters that could lead to disclosure of the earlier activities of the Watergate principals.

Page

31.1 H. R. Haldeman testimony, Subcommittee of the Senate Appropriations Committee, Hearings on Purported Attempt to Involve the Central Intelligence Agency in the Watergate and Ellsberg Incidents, Executive Session, May 31, 1973, 353-54.....356

31.2 President Nixon statement, May 22, 1973, 9 Presidential Documents 693, 696.....358

31.3 H. R. Haldeman testimony, 8 SSC 3040-41.....360

31.4 H. R. Haldeman testimony, 7 SSC 2884.....362

Indistinct document retyped by
House Judiciary Committee staff

to meet with this committee and to clear up anything that I can be helpful in clearing up in regard to the matter that you have under inquiry.

I believe that the only area in which I can be helpful to you in your investigation is with regard to the reported meeting of White House and CIA officials last June.

In that regard, on June 23, 1972, John Ehrlichman and I were requested by the President to meet with Director Richard Helms and Deputy Director Vernon Walters of the CIA.

To the best of my recollection, the purpose of this meeting was five-fold:

One, to ascertain whether there had been any CIA involvement in the Watergate affair;

Two, to ascertain whether the relation between some of the Watergate participants and the Bay of Pigs was a matter of concern to CIA;

Three, to inform the CIA of an FBI request for guidance regarding some aspects of the Watergate investigation because of the possibility of CIA involvement, directly or indirectly;

I could interject there that this request had been made known by John Dean, counsel to the President, and had been transmitted by me to the President immediately upon being told of it by John Dean.

The President, as a result of that, told me to meet with Director Helms and General Walters and John Ehrlichman

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

to get into this matter as I am laying it out here.

The fourth purpose was to discuss White House concern regarding possible disclosure of non-Watergate-related covert CIA operations or other national security activities, not related to Watergate, that had been undertaken previously by some of the Watergate principles [sic].

Fifth, to request General Walters to meet with Acting Director Gray of the FBI to express these concerns and to coordinate with the FBI so that the FBI's area of investigation of the suspects, the Watergate suspects, not be expanded into unrelated matters which could lead to disclosure of their earlier national security and CIA activities.

The meeting was held in Mr. Ehrlichman's office on the afternoon of June 23 and, to the best of my recollection, all of the above points were covered.

As I recall, Director Helms assured us that there was no CIA involvement in the Watergate and also that he had no concern from the CIA's viewpoint regarding any possible connections of the Watergate personnel with the Bay of Pigs operation. Helms told us he had given this assurance to Gray directly.

Walters agreed to meet with Gray as requested. I do not recall having any further communication or meeting with Walters, Helms or Gray on this subject.

I do not specifically recall the question of "Mexican

Indistinct document retyped by
House Judiciary Committee staff

35-780 O - 74 - 24

Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

records having been removed with the change of administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18, 1973, when I learned that Mr. Hunt, a former member of the Special Investigations Unit at the White House, was to be questioned by the U.S. Attorney, I directed Assistant Attorney General Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters and to stay out of national security matters. Subsequently, on April 25, 1973, Attorney General Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the Ellsberg case. I concurred, and directed that the information be transmitted to Judge Byrne immediately.

WATERGATE

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice, and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fundraising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fundraising. Nor did I authorize any offer of executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurances that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

(1) I had no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal

Mr. DASH. At that meeting do you recall that there was a general discussion as to what happened, what information was current concerning the break-in and the relationship with the committee?

Mr. HALDEMAN. I have no specific recollection of the contents of that meeting but I am sure, that given the time situation, that it must have been in regard to the Watergate break-in.

Mr. DASH. Now, it is true, if you look at your record that during that period right after you get back there are about two or three meetings on different days.

Mr. HALDEMAN. Yes.

Mr. DASH. I think you met with him on the 20th, on the 23d, and on the 26th. Does your record show that?

Mr. HALDEMAN. I show—there is an example now of my log of June 20 that does not show a meeting with those people that I have identified, that I have got in my summary here as a result of information from other sources. What my log shows is a meeting in John Ehrlichman's office which is all my secretary would know. She didn't know who was in the meeting.

Mr. DASH. Right.

Mr. HALDEMAN. I am sorry then you were going——

Mr. DASH. I was saying do you have a record of a meeting with Mr. Dean on the 23d and again on the 26th after the meeting with him on the 20th?

Mr. HALDEMAN. Not in the log, no. The 23d?

Mr. DASH. Yes.

Mr. HALDEMAN. It doesn't show me I don't believe.

Mr. DASH. Do you have it in the summary that you have received from other sources?

Mr. HALDEMAN. No; that doesn't show a meeting with Dean, either. I think I talked with Dean on the phone that day, that morning. I don't believe I met with him but I am not sure.

Mr. DASH. You indicated in your earlier testimony that Mr. Dean did give you a report of what happened and told you at that time that he had told you earlier about telling you after one of the meetings.

Could you place in any one of those meetings when he told you?

Mr. HALDEMAN. No; I can't.

Mr. DASH. Would it be your recollection that it would be during that week when you got back?

Mr. HALDEMAN. Not necessarily, no. As I say, the only meeting that I see with Dean during that week was the meeting in Mr. Ehrlichman's office on the 20th apparently.

Mr. DASH. Did the President either communicate with you or did you have a meeting with the President prior, shortly prior, to June 23, 1972?

Mr. HALDEMAN. I am sure I did. Do you want me to check?

Mr. DASH. You met frequently with the President so you——

Mr. HALDEMAN. Yes, sir.

Mr. DASH. So you are pretty sure you can find such a meeting?

Do you recall prior to that meeting on June 23, the President having a discussion with you concerning the investigation that would be ongoing with regard to the Watergate break-in and a concern he had that such an investigation by the FBI might include the work of the special investigating unit in the White House and also the CIA?

Mr. HALDEMAN. Not prior to the 23d. I do recall such on the 23d.

Mr. DASH. On the 23d?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. Was that on the 23d itself?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. Is that what prompted your having a meeting with Mr. Helms and Mr. Walters on the 23d?

Mr. HALDEMAN. Yes.

Mr. DASH. And Mr. Haldeman, could you tell us what was the purpose of that meeting with Mr. Helms and Mr. Walters; what you said and what they said?

Mr. HALDEMAN. OK.

Mr. DASH. To the best of your recollection.

Mr. HALDEMAN. I have covered that in my statement and I—I don't know how much detail you want to get into on that. I have made a more detailed statement before another Senate committee that is looking into this matter in considerable detail and I would be glad to read that statement or put it into your record.

Mr. DASH. Let me just ask you this question because I think we do have your statement.

Mr. HALDEMAN. Yes, sir.

Mr. DASH. And I think we also have your more detailed statement that has been submitted to us.

Mr. HALDEMAN. OK.

Mr. DASH. Mr. Helms and Mr. Walters have recounted their recollection of the meeting and Mr. Walters has testified, and provided memorandums indicating that at that meeting he was, in effect, ordered by you to go to see Mr. Gray and tell Mr. Gray that an investigation of the Watergate matters might uncover CIA activities and, therefore, to restrict the investigation to such an extent as not to do that.

Do you recall that such a conversation took place?

Mr. HALDEMAN. Well, without—I am not sure of the accuracy and I don't think you want to get into the specifics of Mr. Walters' testimony. I think you are asking for my recollection of that conversation.

Mr. DASH. Yes.

Mr. HALDEMAN. So without commenting on either of the accuracy of Mr. Walters' recollection or your recitation of it, because he has given a number of different statements and depositions in this thing that make it rather complex, but the meeting, one of the purposes of the meeting, as assigned to me by the President on the morning of the 23d when he told me to have, to have me and Ehrlichman to meet with Director Helms and Deputy Director Walters, in addition to ascertaining whether there was any CIA involvement, whether there was any CIA concern about earlier activities of people who had been arrested at the Watergate, was to tell the CIA Directors that the FBI had expressed concern that as to whether there was CIA involvement or any impingement.

Mr. DASH. Did you know at that time Mr. Helms had actually told Mr. Gray the day before, on the 22d, that there was no CIA involvement?

Mr. HALDEMAN. I did not know that prior to our meeting with Mr. Helms and Mr. Walters.

is that the President was not directly involved himself and he was not told by anyone until March, when he intensified his own investigation. Even then, he was given conflicting and unverified reports that made it impossible to determine the precise truth regarding Watergate or the coverup and, at the outset at least, he was relying primarily on one man, John Dean, who has admitted that he was a major participant in the illegal and improper coverup, a fact unknown to the President until March 1973.

Any attempt on my part at this time to try to identify those who participated in, directed, or knew of the illegal coverup would of necessity be based totally on hearsay.

CONTAINMENT

There was a concern at the White House that activities which had been in no way related to Watergate or to the 1972 political campaign, and which were in the area of national security, would be compromised in the process of the Watergate investigation and the attendant publicity and political furor. The recent public disclosure of the FBI wiretaps on press and NSC personnel, the details of the Plumbers operations, and so on, fully justifies that concern.

As a result of this concern and the FBI's request through Pat Gray to John Dean for guidance regarding some aspects of the Watergate investigation, because of the possibility of CIA involvement, the President directed John Ehrlichman and me to meet with the Director and Deputy Director of the CIA on June 23. We did so and ascertained from them that there had not been any CIA involvement in the Watergate affair and that there was no concern on the part of Director Helms as to the fact that some of the Watergate participants had been involved in the Bay of Pigs operations of the CIA. We discussed the White House concern regarding possible disclosure of non-Watergate-related covert CIA operations or other nonrelated national security activities that had been undertaken previously by some of the Watergate participants, and we requested Deputy Director Walters to meet with Director Gray of the FBI to express these concerns and to coordinate with the FBI, so that the FBI's area of investigation of the Watergate participants not be expanded into unrelated matters which could lead to disclosures of earlier national security or CIA activities.

Walters agreed to meet with Gray as requested. I do not recall having any other communication, or meeting, with Walters, Helms, or Gray on this subject. I did not, at this meeting, or at any other time, ask the CIA to participate in any Watergate coverup, nor did I ever suggest that the CIA take any responsibility for the Watergate break-in. I believe that the action I took with the CIA was proper, according to the President's instructions, and clearly in the national interest.

There were a number of newspaper stories and allegations raised during the period following the Watergate break-in that posed new questions regarding the facts of Watergate or related matters. Whenever any such questions arose, the President would again ask that the facts be ascertained and made known publicly as completely and quickly as possible, but there always seemed to be some reason why

32. In the early afternoon of June 23, 1972 John Mitchell, Campaign Director of CRP, met with Maurice Stans, Chairman of FCRP, in Mitchell's office. They discussed the Dahlberg and the Mexican checks. Stans knew at that time that these checks were campaign contributions that Hugh Sloan, Treasurer of FCRP, had given to Gordon Liddy to be converted to cash.

Page

32.1 John Mitchell testimony, 4 SSC 1659.....364

32.2 Maurice Stans testimony, 2 SSC 725.....365

32.3 Maurice Stans testimony, 2 SSC 699-701.....366

32.4 Maurice Stans testimony, 2 SSC 748.....369

32.5 Hugh Sloan testimony, 2 SSC 575-76.....370

32.6 Maurice Stans calendar, June 23, 1972 (received from SSC) 372

32.7 John Mitchell log, June 23, 1972 (received from SSC).....373

32.8 Maurice Stans telephone records, June 23, 1972 (received from SSC).....374

Mr. MITCHELL. This was not collected, this was held except for one item, and I am sure the staff is much more familiar with Mr. Stans' record than I am but I think he testified that the $75,000 was made up of $45,000 that he had in a safe deposit box that came from the 1968 campaign and $30,000 that had come from some Filipinos who were to be returned; if I am not mistaken that is the $75,000 and he did not come to me on it.

Senator TALMADGE. There was a great deal of testimony that this committee has had, as you know, about disbursement of funds, and we found that over a million dollars was disbursed in cash with no checks to support it or anything else. Some cash was bandied around in large amounts, and it was amazing to me that a man as able, a certified public accountant, as Mr. Stans would let money be handled in such a loose fashion. You would concur that you ought not kick around a million dollars in cash without accountability, wouldn't you?

Mr. MITCHELL. I would subscribe to that wholeheartedly, in fact I would go down to half a million or a quarter of a million.

Senator TALMADGE. Or even $1.

Mr. MITCHELL. I agree with that.

Senator TALMADGE. Now, you mentioned these Dahlberg and Mexican checks. Mr. Stans testified that you met with him on June 23, 1972, regarding those checks, is that a correct statement?

Mr. MITCHELL. Yes, sir. If I remember correctly, Mr. Stans and I had lunch on that day and we had a further meeting which has been totally screwed up in the testimony here on the 24th.

Senator TALMADGE. Do you want to try to correct it?

Mr. MITCHELL. I would be delighted because of the various versions and it was a matter of some concern of this committee because of the implication that Mr. Stans was brought into the picture of having information about the Watergate, which is not true.

With respect to the 23d, to the best of my knowledge it does show that Mr. Stans and I had lunch in my diary. Now the 24th, this is the sequel of the Mardian-LaRue debriefing or interviewing of Liddy and the information they got from Magruder's involvement with Liddy in the payment of money and it resulted in Mardian going to talk to Magruder, and getting this story that it was only $40,000 at the most that I could have given Liddy or whatever the number was $40,000 or $50,000, and this, of course, was quite contrary to what Mr. Liddy had told Mr. Mardian.

So Mardian came up and got my secretary to get Sloan in from his house into the office, the 24th being a Saturday where there was this confrontation and, by the way, I would like to interpolate here that this is the only meeting that I ever had with Hugh Sloan at any time after June 17 and it wasn't in connection with his going to the FBI as he has testified to.

The meeting took place with Mardian, Magruder, and Sloan, in which Magruder was saying, "Well, it couldn't have been more than $40,000 or $50,000" and Sloan was saying, "It is much, much more than that. But I won't tell you because I am going to have to talk to Mr. Stans."

And this is, by the way, where I will also have to put the record straight. Sloan was a pretty low individual on that particular day and

Senator GURNEY. Did you have any phone calls?

Mr. STANS. None that my records show.

Senator GURNEY. Do you recall any?

Mr. STANS. I do not recall any.

Senator GURNEY. At some point in time, of course, you learned, as we all have, about Watergate, the people who were the key people in it and to the best of your recollection when did you learn about Watergate and who were the key people in it and from whom?

Mr. STANS. The first thing I learned about Watergate, to the best of my recollection was on June 23 when I received a call from Fred LaRue, as I testified yesterday, and he said: "Do you know Kenneth Dahlberg?"

And I said: "Yes, I know Kenneth Dahlberg very well."

He said: "Well, did you know that his contribution ended up in the bank account of one of the fellows who was arrested in the Watergate?"

And I said: "To the best of my knowledge Mr. Dahlberg didn't make a contribution, particularly in that amount of money that you mentioned."

He said: "Well, we had better talk about it."

So he came down to my office and we reviewed the situation. I recalled, of course, the circumstances under which Dahlberg had given us the check, and we called Dahlberg on the phone and got him to come to Washington to review the whole matter. That is my first knowledge of the Watergate situation.

Senator GURNEY. Did you ever discuss it with John Mitchell at any time near this point in time? That is June 17.

Mr. STANS. Well, I would be sure that I discussed this with John Mitchell on a number of occasions and my records show that the first time I talked to John Mitchell after the 17th was on the 23d when we had lunch in his office. I am not sure what the conversation was about. Whenever I met with Mitchell I usually had a list of five or six things to talk about. I would not presume that we didn't talk about the Watergate. I am sure it was a subject of interest but certainly not about who and when and why.

Senator GURNEY. Did LaRue come to you in January 1973, this year, and ask you for the names of some of the larger contributors to the campaign?

Mr. STANS. Yes; I reported that to the staff of the committee. He asked me for the names of some contributors to whom he might go for money for a White House project.

Senator GURNEY. What was the project?

Mr. STANS. He didn't tell me.

Senator GURNEY. Did you ask him?

Mr. STANS. No; I did not. Mr. LaRue again was a man of high standing in the campaign. He had been assistant to John Mitchell. There were no revelations at that time involving him in anything and I had total confidence in anything Mr. LaRue told me.

Senator GURNEY. Have you ever conferred with John Mitchell, Magruder, Haldeman, Ehrlichman, Dean or anybody else on the coverup of Watergate?

Mr. STANS. I have no recollection of any discussion with anyone about the coverup on the Watergate until after the disclosures that have occurred within the last 2 months.

checks, $89,000 drawn on a Mexican bank account. I think it is time for you in your own words to describe what you know about that, what you did about it, and who you discussed the matters about it with.

Mr. STANS. I will be happy to tell you because I do not think the full story has ever been told in one place before. This is my recollection of the sequence of events.

On April 3 of last year, I received a telephone call from Bill Liedtke, who was then our finance chairman in the State of Texas. He said, "I have a U.S. citizen residing in Texas, who is a propsective contributor for $100,000, but he wants to give it in U.S. funds that are now in Mexico. Is this legal?"

I said, "I am quite sure it is, but let me check again and I will call you back."

I checked with our counsel, found out it was perfectly legal for a U.S. citizen to give any foreign funds he wanted, and called back to Liedtke and told him so.

Now, the next thing that I knew about the transaction was after April 22, when I came back from a vacation, and at a meeting I learned from Mr. Sloan that on April 5, Mr. Liedtke's representative, Roy Winchester, had brought to Washington to the committee $100,000 in the form of a contribution from an unnamed person; that it was in the form of checks drawn on American banks by a Mexican bank; that he was not sure how to handle checks of that nature; and that he set them aside. They had clearly arrived before the change in the law on April 7. He set them aside to talk to counsel for the committee and did so the following week.

The committee counsel suggested that they be reconverted into cash, into dollars, and took the checks from Sloan for that purpose.

So when I got back from my vacation, as I said, I found out about the checks, I found out he had given them to counsel, and I found out that the proceeds of the checks had not yet been returned.

At this point, I was of the understanding that the four checks totaled $100,000, and I did not know until I read in Time magazine somewhere along the line there that the four checks totaled only $89,000 and that $11,000 of the $100,000 was in currency.

Now, from here on, I have to quote what Mr. Sloan said, because I had not seen the checks nor did I see the proceeds of the checks come back to him. But according to him, the proceeds of the checks came back to him less a collection fee of $2,500 that was imposed on it, and he held the money and included it in a bank deposit that was made on May 25.

Now, that is my recollection of the transaction. You may have other questions about it.

Mr. EDMISTEN. No, I will leave those for the Senators.

Mr. STANS. I would like to point out, though, that the General Accounting Office has concluded that the funds were properly received before April 7 and that there was no requirement to report them.

Mr. EDMISTEN. Now, what did you have to do with the so-called Dahlberg check? You received checks, did you not, from Mr. Dahlberg?

Mr. STANS. Yes. May I recite the details of that transaction as I understand it?

Mr. EDMISTEN. Yes.

Mr. STANS. Kenneth Dahlberg, as I recollect it, was a member of the early finance committee working in the State of Minnesota and Dwayne Andreas was a Minnesota resident who also had a place of

living in Florida, in a hotel that he owned. As I understand it from Dahlberg, somewhere around as early as January, Andreas said: "I want to help the President's campaign and I will give you $25,000 when you get around to it." He confirmed that to Dahlberg in February.

In March, on the 12th, and this I get from Andreas, he decided to get the money in hand and he decided to make the contribution in cash because he was a close friend of Hubert Humphrey and a contributor to Humphrey's campaign as well as a friend of the President, and he wanted to achieve all the anonymity he could achieve.

On March 12, he instructed his secretary to get together $25,000 of money, which he did, from a tax-paid account, and put it in an envelope to be given to Mr. Dahlberg on the 15th of March at a meeting of a board of directors of a bank of which both Dahlberg and Andreas were directors. Unfortunately, on the 14th, Dahlberg found suddenly that he had to go to Europe to deal with the affairs of an affiliated company there, and he could not attend the meeting. So Andreas continued to hold the money in an envelope.

On the 5th of April, having in mind the change in the law that would take place in the next day or so, Andreas, in Florida, called Dahlberg in Minnesota and said:

I still have that money. I would like to give it to you before the change in the law; can you pick it up?

And Dahlberg said:

I cannot get down there before the 7th. I will get down there on the 7th and arrange it to pick it up.

Andreas said:

Well, I want the contribution to be made now, made effective now. So I will put it in an envelope in your name and put in the safe deposit box in the hotel in your name. You can pick it up whenever you are ready, but I want the understanding between you and me that title has passed and it is your money and you accept it as of today.

Dahlberg said, "I do," and called me and relayed the transaction, and I advised him on the basis of legal advice that I had already received that a commitment of that nature was properly a contribution before April 7 and when received would not have to be reported.

On April 7, Dahlberg went to the hotel in Florida, but arrived too late to pick up the money because the safe deposit box had been closed. He talked to Andreas on the 8th and arranged for the two to get together on the 9th, and at Dahlberg's request, Andreas took the money out of the safe deposit box and delivered it to Dahlberg on the 9th.

On the 10th, Dahlberg bought a cashier's check for that because he did not want to carry that amount of money around with him from Florida to Washington, where he was due on the 11th for a meeting of all of our State finance people on our committee.

On the 11th, at an intermission in the meeting, Dahlberg endorsed the check and handed it to me, with the explanation that, "This is the money from Andreas." And I had a full accounting of the sequence of the transaction up to that date.

I thereupon, the same day, as quickly as possible, gave the check to the treasurer, explained to him the background that this was money that had been contributed before the 7th, and asked him to determine the accounting handling of the check.

The treasurer, not being sure, discussed it with the general counsel for the committee and the general counsel suggested that he take the check and convert it into cash. The treasurer gave him the check.

Now, again, I can report what the treasurer has said, that he did not get the proceeds of the check back until some time in May. He received them in full and they were deposited in a bank account on May 25.

Now, as to those two transactions and several others in a similar category, we treated that as cash on hand on April 7 and reported it in the report of the media Committee To Re-Elect the President, in the amount of $350,000, and that exact amount of $350,000 was deposited in that committee's bank account on May 25. We felt that we had complied with every requirement of the law as to the handling and reporting of that money; we had accounted for it fully.

The General Accounting Office subsequently cited our committee for a possible violation of the law in failing to report the $25,000. But the Department of Justice, in a letter some months later, concluded that there was no violation of the law in the handling of that transaction.

Mr. EDMISTEN. Mr. Stans, when was the first time that you learned that these checks had cleared through a bank account of Bernard Barker?

Mr. STANS. It was well after the Watergate event of June 17.

Mr. EDMISTEN. Now, shortly after that, did you have any discussions with Mr. John Mitchell or anyone at the White House concerning any of these checks during the week immediately following?

Mr. STANS. I don't recall any specific conversation with John Mitchell, but I do recall a conversation with Fred LaRue and subsequently with Robert Mardian.

Mr. EDMISTEN. What did you talk about?

Mr. STANS. As I recall it, it was the morning of the 23d of June, which was 6 days after the Watergate affair. I received a phone call from Fred LaRue, saying, "Do you know Kenneth Dahlberg?"

And I said, "I certainly do."

He said, "Well, his contribution ended up in a bank account of one of the fellows who was arrested."

I said, "Dahlberg didn't make a contribution."

He said, "Well, it is his check."

So he came down and we discussed it and concluded that, in some manner or other, Dahlberg's check must have reached the bank account of Bernard Barker.

We called Dahlberg and discussed it with him, got him to Washington on that same day, met with him, and he met with LaRue and I think with Mardian, and got all the facts of the transaction in hand. It was clear that neither Dahlberg nor I nor Hugh Sloan had anything to do with the checks, that check or the Mexican checks, entering the Barker bank account. They could only have gotten there through the hands of our general counsel, Gordon Liddy, who had taken them into his custody.

Mr. EDMISTEN. Mr. Stans, I am going to skip along, I don't want to encroach on the committee. At one time did you approve or consent to giving Mr. Fred LaRue $80,000?

Mr. STANS. Yes, I did. Would you like to know the background of that?

Senator TALMADGE. Then that raises this question, Mr. Stans: Why did you allow Mr. Sloan, contrary to your explicit instructions, to casually report to you only several weeks later the deposit of the $25,000 check received from Mr. Dahlberg and $89,000 check in Mexican bank checks?

Mr. STANS. Well, Senator, I fairly well covered that in my testimony yesterday.

The fact is that I was not aware that the Mexican bank checks had even been received until I got back from my vacation around the 24th of April. The fact also is that the record shows that, before I went on that vacation, I left a memorandum of things to be done by the staff, and one of the items was a request for Mr. Sloan to balance up his cash as soon as possible.

Now, Mr. Sloan had given those checks to Mr. Liddy, he followed up with Mr. Liddy and I think his testimony is that he followed up several times, and Liddy said, "It takes time to get that money back."

Mr. Sloan did get the money back in early or mid-May and deposited it.

I think the followup was as thorough as we could have expected it to be.

Senator TALMADGE. But you got the Dahlberg check personally, I believe, did you not?

Mr. STANS. Yes, it went through my hands, and I had it for a short time on the 11th of April.

Senator TALMADGE. Mr. Stans, are you telling——

Mr. STANS. I think, Senator, what you are bringing out is the difference in the function between the chairman and the treasurer. I raised the money—he had no part in soliciting contributions. He did the bookkeeping and the accounting and I had no part of that, and once I turned a check over to Mr. Sloan, I had every reason to assume that it would be handled in due course and only when I learned abouth things that were not handled in due course—as that Abel check—did I raise questions with Mr. Sloan about it.

Senator TALMADGE. Are you telling us, Mr. Stans, that as a certified public accountant, a member of the Accountants Hall of Fame, former Secretary of Commerce, and who further had been personally selected by the President to be the Director of the Budget and director of the committee to raise $50 million for his reelection campaign you intended all this money to be spent without any of your supervision and control?

Mr. STANS. No, I am not telling you that at all, Senator. I did exercise some supervision and control. I got a daily report of all the contributions received which I looked over every day. I indicated to the extent that I knew people personally their first names so that the letter of acknowledgement and appreciation would be a first-name basis.

I got reports from time to time, I had a daily staff meeting, I saw the summaries of the reports that were filed with the General Accounting Office. So I did exercise supervision but I did not, Senator, have anything to do with the day-to-day work of the treasurer's office.

Senator TALMADGE. Now, you realize that the reporting act went into effect on April 7, 1972, do you not?

Mr. STANS. That is correct.

Senator TALMADGE. And a very stringent law?

Mr. SLOAN. I know Texas, but whether it was just restricted to Texas, I am not sure.

Senator ERVIN. You do not know from your own knowledge, of course, whether they came from fund raising or whether they came from correspondence?

Mr. SLOAN. As I recall, all the checks were individual checks. The cash funds—I might explain. There was a listing in the briefcase, the total amount which equaled the total amount in the briefcase. Individual names were associated with each of those items.

Senator ERVIN. Were any checks brought at that time in addition to these four Mexican checks?

Mr. SLOAN. Oh, yes, sir.

Senator ERVIN. I thought that the rest was in cash. Was I mistaken in that?

Mr. SLOAN. Yes, sir. I think a large proportion of it was in personal checks from contributors.

Senator ERVIN. I would like to hand you a check that purports to be drawn on the First Bank and Trust Co. of Boca Raton, a cashier's check, to the order of Kenneth H. Dahlberg.* I hand that to you and ask if you can identify that?

Mr. SLOAN. Yes, sir; that appears to be accurate.

Senator ERVIN. When did that check reach the office of the Committee To Re-Elect the President?

Mr. SLOAN. I did not know when Secretary Stans received it. I believe he turned it over to me sometime in the week following April 7.

Senator ERVIN. This check was not dated, this cashier's check was not dated until April 10, 1972, 3 days after the new law went into effect.

Mr. SLOAN. Secretary Stans, in giving that check to me, told me it represented pre-April 7 funds.

Senator ERVIN. The committee proceeded upon the advice of Mr. Liddy to the effect that if somebody promised them money before April 7, or they had agreed to make a disbursement before April 7, that that did not have to be reported—is that so?

Mr. SLOAN. I believe that is correct, Senator.

Senator ERVIN. Now, what happened to these four Mexican checks——

Mr. SLOAN. Senator, excuse me. In response to that other question, presumably, Mr. Liddy gave his advice to Secretary Stans. He did not specifically give that advice to me. It was represented that way to me by Secretary Stans.

Senator ERVIN. In other words, Mr. Stans told you that Mr. Dahlberg's check had been received somewhere under some circumstances by somebody before April 7, and, therefore, even though it had not reached the committee or any person authorized to receive funds on behalf of the committee, that it was received before April 7?

Mr. SLOAN. My understanding was that Mr. Kenneth Dahlberg, who was an authorized representative of the committee, had received it from Mr. Dwayne Andreas. As to the exact circumstance of that arrangement, I do not know.

Senator ERVIN. Were not the four Mexican checks and the Dahlberg check deposited in a bank in Miami, Fla.?

* The document referred to was later marked exhibit No. 25 on p. 631.

Mr. SLOAN. That is what I understood happened to them, Senator. It was certainly not under my instructions.

Senator ERVIN. Can you explain to the committee why the checks were transmitted from Washington to Miami and deposited in a bank in Miami to the credit of Bernard L. Barker?

Mr. SLOAN. I have no idea, Senator.

Senator ERVIN. Would you not infer from those circumstances that somebody that had something to do with the checks did not want anybody to know about receiving the checks and wanted to hide them?

Mr. SLOAN. Senator, my understanding when I received them was a judgment had been made that they were pre-April 7 contributions and, therefore, were not required to be reported. I did turn them over to Mr. Liddy to have them converted to cash. He handled them from there. Why he gave them to Mr. Barker, I have no idea.

Senator ERVIN. Well, even though they did not have to be reported, can you inform us why, instead of being put in the safe in the committee office, why they were sent down to Florida?

Mr. SLOAN. I do not know why they went to Florida, Senator. The reason for the conversion of those checks to cash was to attempt to comply with the spirit of the old law of distributing an individual's contribution in $3,000 increments among pre-April 7 committees. But as those bank accounts had been closed out, the only way to do this was by converting it to cash and counting that cash as a transfer as cash on hand in the Media Committee To Re-Elect the President. It was reported in that figure.

Senator ERVIN. I am a little mystified. How could it comply with the old law with reference to the receipt of $3,000 or less in cash by having $114,000 deposited in the bank account of Bernard L. Barker in Miami, Fla.?

Mr. SLOAN. Senator, I do not know any circumstances surrounding the deposit of the checks in Mr. Barker's account. That was not my intent in turning those checks over to Mr. Liddy.

Senator ERVIN. Who instructed you to turn them over to Mr. Liddy?

Mr. SLOAN. I believe I took them to Mr. Liddy in response to the conversation of Secretary Stans. He asked me, do we have any problem in handling these? I told him I did not know; I would check with counsel. His recommended way of handling this was a diversion to cash. He offered at that time to handle that transaction for me. It took him until mid-May to return those funds to me in cash form, minus roughly $2,500 expenditure.

Senator ERVIN. I hate to make comparisons, but I would have to say on that, Mr. Liddy in one respect was like the Lord, he moves in mysterious ways his wonders to perform. [Laughter.]

Now, as a matter of fact, do you not know that some of the funds that were drawn out, that represented proceeds of these checks which were drawn out of the Miami bank on Mr. Barker, were found in the possession of some of the people who were caught in the burglary at the Watergate?

Mr. SLOAN. I have since learned that; yes, sir.

Senator ERVIN. How long was it after the break-in before you learned that?

Mr. SLOAN. I believe not that specific reference, but the fact that these men had been found with $100 bills in their possession came out

LW - away

23 FRIDAY • JUNE 1972 • APPOINTMENTS
175TH DAY • 191 DAYS TO COME

DR

8:30

9:30 Lloyd Miller
Sloan

10:30 Charles Bartlett

11:30

12:30 Lunch Mitchell

1:30

2 Cook Cyprus

2:30 John Katzlaw
C.F. Hutton

3 Dahlberg

3:30 Witness Baker
DR 2 at Mitchell's

4 Pappas
Liddy

4:30

5 Mardian Larue
Mardian
Parkinson

5:30 Counsel

6 6:30

7

DR

Mr. Mitchell -- Friday, June 23, 1972

8:15	AG attended White House meeting.
9:20	AG ret. to office
9:21	AG SAW Mardian, LaRue and Magruder
10:00	AG attended White House meeting Presidential Surrogates Briefing
11:45	AG ret. to office
11:50	AG SAW Senator Sears
12:55	AG spoke with Mr. Stans
1:10	AG SAW Fred LaRue
1:30	Mrs. Peggy Ebbitt ret. AG's call and t.
1:35	AG SAW Mr. Stans
2:00	Mr. Kalmbach ret. AG's call and t.
2:20	AG ret. Secy Butz call and t.
2:30	AG ret. Mr. Timmons call and t.
2:50	AG called Peggy Ebbitt and t.
3:00	AG SAW Fred LaRue and Bob Mardian
3:10	Mr. Flannigan ret. AG's call and t.
3:30	AG called Mr. Ed Weisl
3:40	AG called Mr. Timmons and t.
3:50	AG SAW Fred LaRue
4:00	AG called Clark MacGregor and t.

35-780 O - 74 - 25

476 — 7-16-72 — *66* 202 333 0920

DATE	PLACE		AREA	TELEPHONE NO.	AMOUNT							
6 21	NASHVILLE	TENN	615	327 9551	1.00	1	1	1	A	3		1456
6 21	MINNEAPOLS	MINN	612	545 3721	1.45	1	1	2	A	7		1723
6 21	BIRMINGHAM	ALA	205	871 2137	1.00	1	1	1	A	1		1459
6 22	NEW YORK	NY	212	675 2500	.80	1	1	1	A	1		1229
6 22	NEW YORK	NY	212	675 2500	.80	1	1	1	A	3		1449
6 22	CLEVELAND	OHIO	216	861 3300	.90	1	1	1	A	1		1022
6 22	AKRON	OHIO	216	762 8903	.85	1	1	1	A	1		1027
6 22	AKRON	OHIO	216	762 8903	4.85	1	1	1	A	19		1127
6 22	LITTLETON	COLO	303	771 8200	.75	1	1	2	A	3		1802
6 22	NEW YORK	NY	212	838 7557	.80	1	1	1	A	1		1231
6 22	NEW YORK	NY	212	956 4000	1.68	1	1	1	A	7		1452
6 22	DALLAS	TEX	214	748 9274	1.15	1	1	1	A	2		1047
6 22	MINNEAPOLS	MINN	612	332 1902	2.80	1	1	1	A	8		1032
6 22	LA CROSSE	WIS	608	785 1000	2.80	1	1	1	A	8		1550

CALLS AND TELEGRAMS

475 — BILL DATE 7-16-72 — *66* 202 333 0920

DATE	PLACE	CALLED	AREA	TELEPHONE NO.	AMOUNT	C/R	SEPR	TYPE	CLASS	DIAL	MIN	NAD	CYCLE	BATCH/CARD/CONN TIME
6 22	RICHMOND	VA	703	648 5033	1.11	1	1	1		A	6			1433
6 22	COLUMBUS	IND	812	379 6249	1.00	1	1	1		A	1			1632
6 23	LOSANGELES	CAL	213	620 1240	1.80	1	1	1		A	4			1248
6 23	NEW YORK	NY	212	826 2100	.80	1	1	1		A	3			1445
6 23	NEW YORK	NY	212	269 3700	.80	1	1	1		A	1			1312
6 23	NEW YORK	NY	212	676 8000	.80	1	1	1		A	1			1543
6 23	NEW YORK	NY	212	344 9200	.80	1	1	1		A	1			0908
6 23	LKMINTONKA	MINN	612	473 3002	1.15	1	1	1		A	1			0928
6 23	LKMINTONKA	MINN	612	473 3002	3.60	1	1	1		A	10			0845
6 23	SAN MATEO	CAL	415	574 3300	1.35	1	1	1		A	1			1615
6 23	CREVECOEUR	MO	314	432 8130	1.05	1	1	1		A	1			1314
6 23	MIAMI	FLA	305	361 5434	1.15	1	1	1		A	1			1111
6 23	MIAMI	FLA	305	361 5484	1.15	1	1	1		A	3			1111
6 23	YONKERS	NY	914	969 6500	.80	1	1	1		A	1			1544

CALLS AND TELEGRAMS

476 — BILL DATE 7-16-72 — AREA *66* TELEPHONE 202 333 0920

DATE	PLACE	CALLED	AREA	TELEPHONE NO.	AMOUNT							
6 23	FROM LK MTK	MIN	612	473	1.55	1	4	1			3S779004409	
6 24	CREVECOEUR	MO	314	432 8130	2.00	1	1	7	A	13		1113
6 24	LOS ALTOS	CAL	415	948 2182	.70	1	1	7	A	1		1231
6 27	MIDDLEBURG	VA	703	687 6303	.40	1	1	1	A	1		1404
6 28	NEW YORK	NY	212	582 1424	.55	1	1	2	A	3		1706
6 28	LINCOLN	NEBR	402	467 1122	1.15	1	1	1	A	1		1157
6 29	JACKSONVL	FLA	904	398 1131	1.00	1	1	1	A	1		1127
6 29	ST JOSEPH	MICH	616	983 2210	1.00	1	1	1	A	2		1625
6 29	BOSTON	MASS	617	542 6200	.95	1	1	1	A	1		1624
6 29	LEXINGTON	KY	606	255 5726	.95	1	1	1	A	1		2544
29	FLINT	MICH	313	234 0190	1.00	1	1	1	A	1		0949
6 30	MINNEAPOLS	MINN	612	545 3721	1.05	1	1	1	A	2		1033
7 3	GREECE				21.00	4	1	3			7B035003979	
7 5	WHITE PLS	NY	914	949 3205	.85	1	1	2	A	5		1729

32.8 NOTE: 612/473-3002 IS THE LISTED TELEPHONE NUMBER FOR KENNETH DAHLBERG. (SOURCE: TELEPHONE DIRECTORY FOR MINNEAPOLIS AND SURROUNDING COMMUNITIES, DECEMBER 1973, 28)

33. At approximately 1:30 p.m. on June 23, 1972 pursuant to the President's prior directions, H. R. Haldeman, John Ehrlichman, CIA Director Helms and Deputy CIA Director Walters met in Ehrlichman's office. Helms assured Haldeman and Ehrlichman that there was no CIA involvement in the Watergate and that he had no concern from the CIA's viewpoint regarding any possible connections of the Watergate personnel with the Bay of Pigs operation. Helms told Haldeman and Ehrlichman that he had given this assurance directly to Acting FBI Director Gray. Haldeman stated that the Watergate affair was creating a lot of noise, that the investigation could lead to important people, and that this could get worse. Haldeman expressed concern that an FBI investigation in Mexico might uncover CIA activities or assets. Haldeman stated that it was the President's wish that Walters call on Gray and suggest to him that it was not advantageous to push the inquiry, especially into Mexico. According to Ehrlichman, the Mexican money or the Florida bank account was discussed as a specific example of the kind of thing the President was evidently concerned about. Following this meeting, Ehrlichman advised Walters that John Dean was following the Watergate matter on behalf of the White House.

Page

33.1 John Ehrlichman log, June 23, 1972 (received from SSC).....377

33.2 Vernon Walters testimony, 9 SSC 3404-05.....378

33.3 Vernon Walters memorandum for record, June 28, 1972, SSC Exhibit No. 101, 7 SSC 2948-49.....380

Page

33.4 Richard Helms testimony, 8 SSC 3237-39.....382

33.5 H. R. Haldeman testimony, Subcommittee of the Senate Appropriations Committee, Hearings on Purported Attempt to Involve the Central Intelligence Agency in the Watergate and Ellsberg Incidents, Executive Session, May 31, 1973, 353-56, 400-02.....385

33.6 John Ehrlichman testimony, 6 SSC 2563-64.....392

33.7 John Ehrlichman testimony, Subcommittee of the Senate Appropriations Committee, Hearings on Purported Attempt to Involve the Central Intelligence Agency in the Watergate and Ellsberg Incidents, Executive Session, May 30, 1973, 345.....394

33.8 Vernon Walters testimony, 9 SSC 3408.....395

DR

WEDNESDAY, JUNE 21, 1972

8:00	HRH office
8:15	Roosevelt Room
10:00	Secretary Richardson
11:20	Richard Valeriani
12:40	President, Gov. Rockefeller, Sen. Javits, Sen. Buckley, Sec. Volpe
1:00	Lunch with Mrs. E, Pete, Jan, Tom, Jodi, Robbie, Joan Kimball
2:15	Bonnie Angelo
3:00	Peter Lisagor
3:45	Ken Cole
4:30	John Dean
5:20	Sallyanne Payton
6:45	Car at west basement
7:00	Godspell with family - Ford's Theatre

THURSDAY, JUNE 22, 1972

8:00	HRH office
8:15	Roosevelt Room
9:00	HRH office (MacGregor, Colson, Mitchell)
11:30	JCW, Fairbanks (DDT)
11:45	John Mitchell
12:50	Eureka Forbes (Hawaii)
1:30	Lunch in Mess with Bill Eberle
2:30	Meeting with Republican members of Senate Finance Committee Senator Bennett's office - 1121 NSOB
6:00	Blair House drop by (Broadcasting group)

FRIDAY, JUNE 23, 1972

8:00	HRH office
8:15	Roosevelt Room
10:00	Theatre - Surrogate briefing
10:30	President, Shultz, Weinberger, CEA
12:30	Press briefing (Higher Education)
1:00	Director Helms, General Walters, HRH
2:00	Hugh Sloan
3:00	Filming of "Day in the Life of the President" - Oval Office
4:00	JDE office - Colson, Ziegler, Rumsfeld, Whitaker
6:00	To Camp David

DR

General WALTERS. I was the Defense attaché to France.

Mr. DASH. How long were you in that position?

General WALTERS. Four and a half years.

Mr. DASH. Prior to your joining the CIA could you just briefly tell us what contacts, if any, you have had with the President of the United States, President Nixon?

General WALTERS. My first contact with President Nixon was when he was Vice President. I was detailed to accompany him on a trip around South America. I went to eight countries with him and served as interpreter, translator, and aide at that time. In two of those countries I was in the car with Mr. Nixon when extreme violence was encountered, mob violence, and if I were to tell this committee that I did not feel admiration and respect for the courage and calmness Mr. Nixon showed at that time, I would not be telling you the whole truth.

Subsequently, I saw—I did not work for Mr. Nixon again during the period between the time he left the Vice Presidency and the time he became President, I saw him perhaps two or three times in those 8 years.

After he became President I went on two or three of the trips abroad he took to countries where I spoke the language and could translate for him. I have not had any private conversation with the President since I became Deputy Director of the Central Intelligence Agency; that is, since May 2.

Mr. DASH. Shortly after you became Deputy Director of the Central Intelligence Agency, did you attend a meeting at the White House with Mr. Haldeman, Mr. Ehrlichman, and Director Helms on June 23, 1972?

General WALTERS. Yes, I did.

Mr. DASH. Could you tell us how that meeting was arranged?

General WALTERS. During the morning of June 23 I received a phone call, I do not recall exactly how, telling me that I was to be there at Mr. Ehrlichman's office on——

Mr. DASH. You say you received a telephone call?

General WALTERS. Yes.

Mr. DASH. From whom?

General WALTERS. I do not know whether I received it personally or my secretary received it just stating I was to be at Mr. Ehrlichman's office from Mr. Helms, it may have come from Mr. Helms' secretary at 1:30 that afternoon. Mr. Helms and I went downtown, we did not know what the subject of the meeting was. We had lunch together and at 1:30 we went to Mr. Ehrlichman's office.

Mr. DASH. All right. Now, will you to the best of your recollection, relate the discussion that was had at that meeting? By the way, who could you say actually was doing most of the talking at the meeting?

General WALTERS. I believe Mr. Haldeman was doing nearly all of the talking. I do not recall Mr. Ehrlichman actually participating actively in the conversation.

Mr. DASH. Now, would you relate to the committee what Mr. Haldeman said and what you or Mr. Helms said?

General WALTERS. Mr. Haldeman said that the bugging of the Watergate was creating a lot of noise, that the opposition was attempting to maximize this, that the FBI was investigating this and the leads might lead to some important people, and he then asked Mr. Helms

what the Agency connection was. Mr. Helms replied quite emphatically that there was no Agency connection and Mr. Haldeman said that nevertheless, the pursuit of the FBI investigation in Mexico might uncover some CIA activities or assets.

Mr. Helms said that he had told Mr. Gray on the previous day, the Acting Director of the FBI, that there was no Agency involvement, that none of the investigations being carried out by the FBI were in any way jeopardizing any Agency activity. Mr. Haldeman then said:

Nevertheless, there is concern that these investigations—this investigation in Mexico, may expose some covert activity of the CIA, and it has been decided that General Walters will go to Director Gray, Acting Director Gray, and tell him that the further pursuit of this investigation in Mexico—

And I wish to emphasize that the only question of investigation involved was Mexico—

the investigation in Mexico, could jeopardize some assets of the Central Intelligence Agency.

Again Mr. Helms said he was not aware of any activity of the Agency that could be jeopardized by this. Mr. Haldeman repeated:

Nevertheless, there is concern that the further pursuit of this investigation will uncover some activity or assets of the CIA in Mexico and it has been decided that you will go and tell this—

Addressed to me—

you will tell this to Acting Director Gray.

Mr. DASH. But, Mr. Walters, could it have been that Mr. Haldeman asked you or Mr. Helms to go to Mr. Gray and—to first inquire at the CIA whether or not there might be some problem at the CIA if there was an investigation in Mexico, rather than saying it was decided that you should go.

General WALTERS. I do not recall it being put in a question form. It was put in a directive form.

Mr. DASH. In other words, you understood that to be a direction.

General WALTERS. I understood that to be a direction and since Mr. Haldeman was very close to the top of the governmental structure of the United States, and as Mr. Helms testified yesterday, the White House has a great deal of information that other people do not have. I had been with the Agency approximately 6 weeks at the time of this meeting. I found it quite conceivable that Mr. Haldeman might have some information that was not available to me.

Mr. DASH. And you did not feel it appropriate at that time to inquire of Mr. Haldeman why it was that he was directing you to go to Mr. Gray and tell that to Mr. Gray?

General WALTERS. No; I did not. If I had felt there was any impropriety in this request I would have given him the same answer I later gave Mr. Dean, that I would resign rather than do it.

Mr. DASH. By the way, did you wonder why it was that Mr. Haldeman said it was decided that you, General Walters, should go to see Mr. Gray and not Director Helms?

General WALTERS. Yes, I did. A number of hypotheses crossed my mind. I thought perhaps he thinks I am military and a lot of people have the mistaken belief that military obey blindly. I thought he might have heard reports that there had been some friction in the past between the FBI and the CIA, and perhaps since Mr. Gray was new

EXHIBIT NO. 101

28 June 1972

MEMORANDUM FOR RECORD (U)

On June 23 at 1300 on request I called with Director Helms on John Ehrlichman and Robert Haldeman in Ehrlichman's office at the White House.

Haldeman said that the "bugging" affair at the Democratic National Committee Hqs at the Watergate Apartments had made a lot of noise and the Democrats were trying to maximize it. The FBI had been called in and was investigating the matter. The investigation was leading to a lot of important people and this could get worse. He asked what the connection with the Agency was and the Director repeated that there was none. Haldeman said that the whole affair was getting embarrassing and it was the President's wish that Walters call on Acting FBI Director Patrick Gray and suggest to him that since the five suspects had been arrested that this should be sufficient and that it was not advantageous to have the enquiry pushed, especially in Mexico, etc.

Director Helms said that he had talked to Gray on the previous day and had made plain to him that the Agency was not behind this matter, that it was not connected with it and none of the suspects was working for, nor had worked for the Agency in the last two years. He had told Gray that none of his investigations was touching any covert projects of the Agency, current or ongoing.

Haldeman then stated that I could tell Gray that I had talked to the White House and suggest that the investigation not be pushed further. Gray would be receptive as he was looking for guidance in the matter.

The Director repeated that the Agency was unconnected with the matter. I then agreed to talk to Gray as directed. Ehrlichman implied I could do this soon and I said I would try to do it today.

Upon leaving the White House I discussed the matter briefly with the Director. On returning to the office I called Gray, indicated that this was a matter of some urgency, and he agreed to see me at 1430 that day.

Vernon A. Walters
Lieutenant General, USA

of the Democratic National Committee headquarters at the Watergate?

Mr. HELMS. It is my impression that I heard about it, read about it in the newspapers and heard it on the radio, but this is not any lapse of memory. This is just one of those things that this far back it is hard to know just exactly who might have told me or how I might have heard it. Certainly it was big news from the moment it happened.

Mr. DORSEN. And during the days immediately following the break-in were there conversations at the CIA concerning the break-in?

Mr. HELMS. Yes. In the first place, sometime on that weekend I received a telephone call from Mr. Howard Osborne, the Director of Security, to inform me that—of the names of the individuals who had participated in the break-in and also to say that Mr. Hunt in some fashion was connected with it. Mr. Osborne's call to me was a perfectly routine matter that had been—there was a charge on him as Director of Security to inform me whenever anybody in the Agency got in any kind of trouble, whether they were permanent employees or past employees. In other words, right now, so I didn't have to catch up with these events like suicides and house break-ins and rapes and the various things that happened to the employees of any organization in a city like Washington, so this was a perfectly routine thing and when he heard about these ex-CIA people who had been involved in this burglary he called me up and notified me about it.

On Monday, when I came to the office, there had been no mention in the papers of Mr. Hunt. So I got hold of Mr. Osborne and said how come you told me that Mr. Hunt was involved with this and he said, "Well, there were some papers found in the hotel room, one of the hotel rooms with Hunt's name on it and it looks as though he was somewhere in the area when the break-in took place." So I said, "All right," and then from then on, obviously there were various conversations in the Agency as we went to work on various requests from the FBI for information about the people and their backgrounds, and so forth, that had formerly been employed by the Agency.

Mr. DORSEN. Am I correct that James McCord also was a former employee of the Agency?

Mr. HELMS. He was.

Mr. DORSEN. And when did Mr. McCord and Mr. Hunt leave the employ of the Agency?

Mr. HELMS. They left it at different times in 1970. They were both retired, as I recall it.

Mr. DORSEN. Now, directing your attention to June 22, 1972, which was the day before your meeting with Mr. Ehrlichman, Mr. Haldeman, and General Walters at the White House, did you have a conversation with Patrick Gray on that afternoon; namely, the afternoon of June 22?

Mr. HELMS. I believe that the committee is in possession of a memorandum which says—a memorandum or note from Mr. Gray that says I had this conversation. I have no reason to question that at all. I was talking back and forth with Mr. Gray at various times in connection with this Watergate break-in, so I have no reason to doubt that there was one on the 22d of June.

Mr. DORSEN. In these conversations did you discuss the possibility of CIA involvement in the break-in?

Mr. HELMS. I assured Mr. Gray that the CIA had no involvement in the break-in. No involvement whatever. And it was my preoccupation consistently from then to this time to make this point and to be sure that everybody understand that. It doesn't seem to get across very well for some reason but the agency had nothing to do with the Watergate break-in. I hope all the newsmen in the room hear me clearly now.

Mr. DORSEN. I would like to move then to June 23, 1972, and ask you if you recall attending the meeting with Mr. Ehrlichman, Mr. Haldeman, and General Walters.

Mr. HELMS. I do recall attending that meeting.

Mr. DORSEN. Where was that meeting held?

Mr. HELMS. That meeting was held in Mr. Ehrlichman's office on the second floor, office wing—west wing of the White House.

Mr. DORSEN. Do you recall the time of that meeting?

Mr. HELMS. The meeting had been originally scheduled for 12 o'clock. It was changed to 1 o'clock and it took place shortly after 1 o'clock.

Mr. DORSEN. Could you please describe to us in substance what happened at that meeting?

Mr. HELMS. General Walters and I arrived first and waited for a few minutes. Then Mr. Haldeman and Mr. Ehrlichman came into the room. As best I can recall what was said, Mr. Haldeman did most of the talking, so—and whatever Mr. Ehrlichman contributed in the course of this was either to nod his head or smile or to agree with what Mr. Haldeman said. I just simply want to introduce it this way because it is a little easier for me to describe.

Mr. Haldeman said that there was a lot of flak about the Watergate burglary, that the opposition was capitalizing on it, that it was going to—it was apparently causing some sort of unified trouble, and he wanted to know whether the Agency had anything to do with it. I assured him that the Agency had nothing to do with it. He then said that the five men who had been found in the Democratic National Committee headquarters had been arrested and that that seemed to be adequate under the circumstances, that the FBI was investigating what this was all about, and that they, unified, were concerned about some FBI investigations in Mexico.

He also at that time made some, what to me was an incoherent reference to an investigation in Mexico, or an FBI investigation, running into the Bay of Pigs. I do not know what the reference was alleged to be, but in any event, I assured him that I had no interest in the Bay of Pigs that many years later, that everything in connection with that had been dealt with and liquidated as far as I was aware and I did not care what they ran into in connection with that.

At some juncture in this conversation, Mr. Haldeman then said something to the effect that it has been decided that General Walters will go and talk to Acting Director Gray of the FBI and indicate to him that these operations—these investigations of the FBI might run into CIA operations in Mexico and that it was desirable that this not happen and that the investigation, therefore, should be either tapered off or reduced or something, but there was no language saying stop, as far as I recall.

At this point the references to Mexico were quite unclear to me. I had to recognize that if the White House, the President, Mr. Halde-

man, somebody in high authority, had information about something in Mexico which I did not have information about, which is quite possible—the White House constantly has information which others do not have—that it would be a prudent thing for me to find out if there was any possibility that some CIA operation was being—was going to be affected, and, therefore, I wanted the necessary time to do this. I say this in explanation of the fact that there seems—that since I had consistently pointed out that no CIA operations had been violated by any investigation up to then, that we had had nothing to do with the Watergate burglary, the fact of the matter was that if an investigation continued to go on it might run into something we were doing in Mexico. This possibility always had to exist. Nobody knows everything about everything. So at this point I think it was repeated a second time that General Walters was to go and see Acting Director Gray with this charge. It was then indicated that Acting Director Gray would probably be expecting the call, that he was looking for some kind of guidance in this matter, and that this should take place as soon as possible. I believe Mr. Ehrlichman at that point made his sole contribution to the conversation, which was that he should get down and see Gray just as fast as he could.

We left this meeting, General Walters and I, and went downstairs to the automobile and I spoke to General Walters along the following lines. I said when you go to see Acting Director Gray, I think you should confine yourself to reminding him that the Agency and the FBI have a delimitation agreement, an understanding for many years that if the Agency runs into any FBI agents or operations, the FBI shall be immediately notified and if the FBI runs into any agents or operations, it shall be immediately notified.

I was not sure whether Acting Director Gray was familiar with this because he had not been Acting Director of the FBI for very long. I wanted General Walters to understand about this because he had been with the Agency, I think, only about 6 weeks at that time, had been having briefings, and I was not sure whether this had ever come to his attention. In other words, I was asking him to make a legitimate request of the Acting Director of the FBI, that if they ran into any CIA operations in Mexico or anyplace else they were to notify us immediately, and I thought General Walters should restrict his conversation with Acting Director Gray to that point. Precisely whether he did or not, well, you will have an opportunity to ask him.

Mr. DORSEN. To your knowledge, did General Walters have a meeting with Patrick Gray?

Mr. HELMS. Yes; he had one very shortly after this meeting in the White House because he reported to me later in the day about his meeting with Gray, that he had been to see him, that the general purport of what they had discussed, and then the first time I learned that Acting Director Gray had told General Walters at this meeting about some money having been sent to Mexico. I was unaware of any money having been sent there at the time, and even that explanation did not say what the money was for. But also floating around in this at the time was the name of a Mexican lawyer that we had been asked to check out by the FBI to find out if this man was in any way connected with the CIA. His name was Ogarrio, I believe, and we had been running a tracer, which is a work of art of going through the record to find

Indistinct document retyped by
House Judiciary Committee staff

to meet with this committee and to clear up anything that I can be helpful in clearing up in regard to the matter that you have under inquiry.

I believe that the only area in which I can be helpful to you in your investigation is with regard to the reported meeting of White House and CIA officials last June.

In that regard, on June 23, 1972, John Ehrlichman and I were requested by the President to meet with Director Richard Helms and Deputy Director Vernon Walters of the CIA.

To the best of my recollection, the purpose of this meeting was five-fold:

One, to ascertain whether there had been any CIA involvement in the Watergate affair;

Two, to ascertain whether the relation between some of the Watergate participants and the Bay of Pigs was a matter of concern to CIA;

Three, to inform the CIA of an FBI request for guidance regarding some aspects of the Watergate investigation because of the possibility of CIA involvement, directly or indirectly;

I could interject there that this request had been made known by John Dean, counsel to the President, and had been transmitted by me to the President immediately upon being told of it by John Dean.

The President, as a result of that, told me to meet with Director Helms and General Walters and John Ehrlichman

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by House Judiciary Committee staff

to get into this matter as I am laying it out here.

The fourth purpose was to discuss White House concern regarding possible disclosure of non-Watergate-related covert CIA operations or other national security activities, not related to Watergate, that had been undertaken previously by some of the Watergate principles [sic].

Fifth, to request General Walters to meet with Acting Director Gray of the FBI to express these concerns and to coordinate with the FBI so that the FBI's area of investigation of the suspects, the Watergate suspects, not be expanded into unrelated matters which could lead to disclosure of their earlier national security and CIA activities.

The meeting was held in Mr. Ehrlichman's office on the afternoon of June 23 and, to the best of my recollection, all of the above points were covered.

As I recall, Director Helms assured us that there was no CIA involvement in the Watergate and also that he had no concern from the CIA's viewpoint regarding any possible connections of the Watergate personnel with the Bay of Pigs operation. Helms told us he had given this assurance to Gray directly.

Walters agreed to meet with Gray as requested. I do not recall having any further communication or meeting with Walters, Helms or Gray on this subject.

I do not specifically recall the question of "Mexican

Indistinct document retyped by House Judiciary Committee staff

Indistinct document retyped by House Judiciary Committee staff

aspects" being discussed at this meeting although I do not question General Walters' report that this was covered. We did discuss the concern that, in the interest of national security and the former relationships of some of the principles [sic], the Watergate principles[sic], with CIA, the FBI investigation be limited to the Watergate case specifically and not expanded into prior activities of the individuals involved.

We did this in the full belief that we were acting in the national interest and with no intent or desire to impede or cover up any aspects of the Watergate investigation, itself.

I do not recall any subsequent discussion with John Dean regarding this meeting. I do not recall any discussion at any time of a suggestion to involve the CIA in the Watergate matter except as described above. Specifically, I do not recall hearing of any idea of having the CIA furnish bail or pay suspects' salaries while in jail, using covert action funds.

It must be understood that, at the time of our meeting with the CIA, we had only very sketchy knowledge of what and who were involved in the Watergate affair. We had no reason to believe that anyone in the White House was involved and no reason, therefore, to seek any cover-up of the Watergate investigation from the White House.

On the contrary, everyone in the White House was instructed to cooperate fully with the Watergate investigation

Indistinct document retyped by House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

and, so far as I knew at the time, was doing so.

At the same time, there was concern at the White House that activities which had been in no way related to Watergate or to the 1972 political campaign -- and which were in the area of national security -- would be compromised in the process of the Watergate investigation and the attendant publicvty [sic] and political furor.

Recent events have fully justified that concern with the disclosure of the FBI wiretaps on press and NSC personnel, the details of the so-called "plumbers' operation", et cetera.

In summary, the meeting of June 23 with the CIA was held at the President's request in the interest of national security. I do not believe there was any intention to cover up the Watergate. I do not believe there was any direct connection between this meeting and General Walters' reported subsequent meetings with John Dean. I believe I acted properly, in accord with the President's instructions, and in the national interest.

Mr. Chairman, in reviewing the transcript of the testimony before this committee by Ambassador Helms on May 16, I find some several areas that I would like to clarify.

First, it should be emphasized that there was only one meeting in which Helms, Ehrlichman and I participated, the one on June 23, which I have described, at which General Walters was also present. The other meetings to which General

Indistinct document retyped by
House Judiciary Committee staff

guess. But there is nothing I can do about that except, in this meeting, I find it quite probable that General Walters' Mem-con is more accurate than his subsequent cycles of revisions, and that I probably did say, "It is the President's wish" because I believed then and I believe now that it was.

Chairman McClellan. You referred to his memorandum. I would like to ask some questions about it. You think it is probably more accurate than what he remembered later. That is the memorandum of June 28th, five days following this meeting in the White House.

It says, "On June 23, at 1300, on request, I called, with Director Helms, on John Ehrlichman and Robert Haldeman in Ehrlichman's office at the White House.

"Haldeman said" -- and I want to give you an opportunity to comment on each of these -- "Haldeman said that the 'bugging' affair at the Democratic National Committee headquarters at the Watergate Apartments had made a lot of noise and the Democrats were trying to maximize it."

Do you wish to comment on that?

Mr. Haldeman. No, sir.

Chairman McClellan. You don't wish to comment on it?

Mr. Haldeman. No, unless there is some specific question.

Chairman McClellan. Is that correct?

Mr. Haldeman. I haven't any idea. I don't recall that. That would be the only way I could answer.

Indistinct document retyped by
House Judiciary Committee staff

Chairman McClellen. All right. You don't recall whether that occurred.

He states in the next sentence you said the FBI was being called in and was investigating the matter. Did you tell him that, or was that statement made at that meeting?

Mr. Haldeman. In some sense it undoubtedly was. I don't think I needed to tell him that. I think it was pretty well known at that time.

Chairman McClellan. Then he says that the FBI had been called in and was investigating the matter, and he says you said the investigation was leading to a lot of important people and this could get worse. Do you wish to comment on that?

Mr. Haldeman. No, sir.

Chairman McClellan. Do you want to say it is true, or just remain silent about it?

Mr. Haldeman. I would have no comment to make on it. That is his characterization of the conversation.

Chairman McClellan. Is his characterization of the conversation wrong, or correct?

Mr. Haldeman. I have no material conflict with it.

Chairman McClellan. Then you said that, or something like that, I would assume, unless you state otherwise.

Then he goes on further to say, "he" meaning you, "asked what the connection with the agency was, and the Director repeated" -- I am sure he means Director Helms -- "repeated

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

that there was none."

Did Helms tell you that that day?

Mr. Haldeman. As I have so indicated; yes, sir.

Chairman McClellan. "Haldeman said that the whole affair was getting embarrassing and it was the President's wish that Walters call on Acting FBI Director Patrick Gray" -- now, is that much correct, up to there?

Mr. Haldeman. I think that it is subject to interpretation. It isn't correct, Senator. I don't believe that the request that Walters call on the Acting Director of the FBI was in the context of the whole affair getting embarrassing. I think it was in the context I have laid out in my statement.

Chairman McClellan. Did you tell him that the whole affair was getting embarrassing?

Mr. Haldeman. No, sir; that I recall, no.

Chairman McClellan. You didn't make that statement at the meeting?

Mr. Haldeman. I don't recall making such a statement.

Chairman McClellan. Are you in a position to deny it?

Mr. Haldeman. No, but that is not the flavor of the approach to the meeting that I took.

Chairman McClellan. All right. Then he said you asked that Walters call on Director Patrick Gray and suggest to him that since the five suspects had been arrested, that this should be sufficient, and that it was not advantageous to have

Indistinct document retyped by
House Judiciary Committee staff

Mr. THOMPSON. It would be inconsistent with your desire to solve the matter, I assume, as to whether or not there was CIA involvement.

Mr. EHRLICHMAN. Well, whatever I told him was for the purpose of not having staff meetings on this particular subject. I can't tell you precisely what I told him.

Mr. THOMPSON. Going back to July of 1971, July 7, 1971, did you call Deputy Director Cushman and ask him to give Mr. Hunt assistance in his activities at that time?

Mr. EHRLICHMAN. No, I have been asked many times about that telephone call and I simply have no recollection of having made that call.

Mr. THOMPSON. Did you know what Mr. Hunt was doing during that period of time? Were you informed?

Mr. EHRLICHMAN. I knew from my one meeting with Mr. Colson and Mr. Hunt jointly what he was supposed to be doing, yes.

Mr. THOMPSON. What was he doing?

Mr. EHRLICHMAN. He was supposed to be engaged in an analysis of the Pentagon Papers and in determining their accuracy, whether or not they were in fact complete accounts of the events which took place or whether they were edited, tailored accounts which did not include the complete facts.

Mr. THOMPSON. In June, when you were talking to Helms and Walters about the possible CIA problem or uncovering some collateral CIA activity, this all evolved around the so-called Mexican money problem, I assume, is that correct?

Mr. EHRLICHMAN. Well, it was much broader than that. It was any unassociated CIA activity.

Mr. THOMPSON. Well, what brought it to anyone's attention? I thought it was the so-called Barker money that had come from Mexico.

Mr. EHRLICHMAN. You mean that precipitated the meeting?

Mr. THOMPSON. Yes.

Mr. EHRLICHMAN. No, it was a much broader concern than that, and it included, as I said, the question of direct involvement, it included whatever exposure there might be for any CIA activity. I think the Mexican money or the Florida bank account or whatever, which involved one of these people who had been a former CIA agent or client or whatever they call them, was raised as an example in the meeting by one of us as the kind of thing that the President evidently was concerned about. And it was discussed as a specific example. But the meeting was by no means limited to that.

Mr. THOMPSON. Can you recall any other specific examples that were discussed?

Mr. EHRLICHMAN. Bay of Pigs.

Mr. THOMPSON. How did that come in?

Mr. EHRLICHMAN. Well, because apparently, the President had specifically mentioned the Bay of Pigs to Bob Haldeman in suggesting the meeting, and then he mentioned it to me again in July as the kind of thing that apparently, CIA might be embarrassed about, that some of the people who were involved in Watergate, apparently, had been involved in the Bay of Pigs and accordingly, whether there was any CIA exposure still existing.

Mr. THOMPSON. The Watergate investigation could possibly turn up some additional investigation on the CIA operation in the Bay of Pigs?

Mr. EHRLICHMAN. CIA involvement or compromise of some sort or something in the past. It was very unspecific, but it was nonetheless mentioned as an example.

Mr. THOMPSON. Can you think of any other examples?

Mr. EHRLICHMAN. No, I cannot. The Mexican money or Mexican laundry or whatever you——

Mr. THOMPSON. Of course, that money wound up in the bank account of a Mr. Barker.

Mr. EHRLICHMAN. Yes.

Mr. THOMPSON. And Mr. Barker, of course, was a protege of Mr. Hunt, brought into the matter by Hunt?

Mr. EHRLICHMAN. A CIA protege of Mr. Hunt.

Mr. THOMPSON. They were in the Bay of Pigs. Was his name mentioned in the meeting?

Mr. EHRLICHMAN. No.

Mr. THOMPSON. The money problem you were talking about seems to have been directly related to Mr. Hunt, which gets right back into the plumber situation again.

Mr. EHRLICHMAN. Barker's name and Hunt's name were not mentioned in the meeting.

Mr. THOMPSON. Mr. Ehrlichman, regardless of what the President specifically told you or did not tell you, I assume that you felt a short time after the break-in, the latter part of June, that it was the President's wish to insure that the investigation of the break-in did not expose either the unrelated covert operation of the CIA or the activities of the White House investigations unit. Did you assume that to be the President's wish, as he stated that it was?

Mr. EHRLICHMAN. Mr. Thompson, I assumed that it was with regard to the CIA because of this meeting we have just been talking about. Frankly, the question of the special unit simply never entered my mind at that time as a potential problem. It just was not in contemplation and it was not in the contemplation of anybody that I was talking to, so far as I can recall.

Mr. THOMPSON. Even though Liddy had worked——

Mr. EHRLICHMAN. That is correct.

Mr. THOMPSON [continuing]. In your office, under your supervision generally?

Mr. EHRLICHMAN. Well, he had worked in my office, in a very remote sense.

Mr. THOMPSON. It did not occur to you that, if he was tried, if he decided to talk, if he decided to bargain, there were a lot of things that he could tell that would be embarrassing, not only politically but compromising with regard to national security?

Mr. EHRLICHMAN. I assure you, Mr. Thompson, it just was not in my consciousness.

Mr. THOMPSON. It evidently crossed the President's mind. When do you think these matters which he sets out in his May 22 statement came to his mind? He says he was informed within a few days about possible CIA involvement. The implication is that he knew about the existence of the unit regardless of any specific activities; that he knew about the unit all along.

SECRET

345

DR

As a result of this equivocal response by General Walters respecting Mexican operations, he was asked to make contact with Acting FBI Director Gray and give him all the facts. I believe the General called Gray from my outer office to arrange to see him at once.

Helms and Walters were told that John Dean was following the Watergate matter closely for the President and any future White House contact could be with him. I'm not sure whether they were told this on the occasion of the meeting or later, but I do recall having some part in getting Walters to talk to Dean. I believe I also informed Dean of the meeting, of my impression of Walters' response regarding CIA Mexican operations, and I believe I told Dean that Walters would be working with Gray on the problem.

Later Dean told me he had been in touch with Walters and that the CIA did not believe an investigation would harm their operations. I was unaware of Dean's meetings or conversations with Walters regarding use of CIA money for salaries for the defendants until the news reports this month about them.

During the first week of July, 1972, the President told me Pat Gray told him on the telephone that General Walters had told Gray there was no CIA objection to a full FBI investigation of the Mexican aspects of the Watergate case. The President said he then instructed Gray to conduct a full investigation.

The President told me then that he still personally

DR

afternoon or whether it was completed Monday morning, but it was soon clear to me that nobody who was responsible for that area in the Agency felt that the ongoing FBI investigation could jeopardize any of the Agency sources or activities in Mexico.

Mr. DASH. Well, now, did you subsequently receive any communication from anybody at the White House after June 23?

General WALTERS. On Monday morning, June 26, I received a phone call from a man who identified himself as John Dean and he said he wished to speak to me about the matters that Mr. Haldeman and Mr. Ehrlichman had discussed with me on Friday. I did not know Mr. Dean. And I expressed so—something to the effect that I don't know who you are and he said, "Well, you can call Mr. Ehrlichman to see whether it is all right to talk to me or not."

Mr. DASH. Did you call Mr. Ehrlichman?

General WALTERS. I called Mr. Ehrlichman. I had some difficulty in reaching him but finally I reached him and I said: "A Mr. John Dean wants to talk to me about the matters discussed with you and Mr. Haldeman on the preceding Friday" and he said: "Yes, it is all right to talk with him. He is in charge of the whole matter."

Mr. DASH. Did you then meet with Mr. Dean on that day?

General WALTERS. I then——

Mr. DASH. The 26th.

General WALTERS. I then called Mr. Dean again and he asked me to come down and see him, I believe, at 11:30 or 11:45. I believe it is indicated on the memorandum I wrote.

Mr. DASH. Will you relate to the committee the conversation you had with Mr. Dean at that time, on June 26, 1972?

General WALTERS. Mr. Dean said that he was handling this whole matter of the Watergate, that it was causing a lot of trouble, that it was very embarrassing. The FBI was investigating it. The leads had led to some important people. It might lead to some more important people.

The FBI was proceeding on three hypotheses, namely, that this break-in had been organized by the Republican National Committee, by the Central Agency, or by someone else; whereupon I said I did not know who else organized it but I know that the Central Intelligence Agency did not organize it. I said, furthermore—I related to Mr. Dean my conversation with Mr. Haldeman and Mr. Ehrlichman on the previous Friday, and told him I had checked within the Agency and found there was nothing in any of the ongoing FBI investigations that could jeopardize CIA activities or sources or compromise them in any way in Mexico.

He then said, "Well, could this not have happened without your knowledge?" "Well," I said, "originally perhaps, but I have inquired. I have talked to Mr. Helms and I am sure that we had no part in this operation against the Democratic National Committee."

He kept pressing this. There must have been. These people all used to work for the CIA, and all this thing. I said maybe they used to, but they were not when they did it and he pressed and pressed on, on this and asked if there was not some way I could help him, and it seemed to me he was exploring perhaps the option of seeing whether he could put some of the blame on us. There was not any specific thing he said but the general tenor was in this way and I said to him—I did not have an opportunity to consult with anybody—I simply said,

34. On June 23, 1972 at 1:35 p.m., Dean telephoned Gray and said that Walters would be visiting Gray that afternoon. At 2:34 p.m. on the same day Walters met with Gray and discussed the FBI investigation of the break-in at the DNC headquarters. Walters stated that if the FBI investigation were pursued into Mexico it might uncover some covert CIA activities and that the matter should be tapered off with the five men under arrest. Gray agreed to hold in abeyance the FBI interview of Manuel Ogarrio. Gray has testified that the FBI continued its effort to locate Kenneth Dahlberg. Gray reported to Dean the substance of his conversations with Walters.

Page

34.1 L. Patrick Gray log, June 23, 1972, 1-2, (received from SSC).....398

34.2 L. Patrick Gray testimony, 9 SSC 3452-53.....400

34.3 Vernon Walters testimony, 9 SSC 3406-07.....402

34.4 Vernon Walters memorandum for record, June 28, 1972, SSC Exhibit No. 129, 9 SSC 3815.....404

DR

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE

DATE FRI., JUNE 23, 1972

Time	Caller	VIA	Action	Initial
8 29	(WHITE HOUSE) MR. JOHN W. DEAN, III	TELE	SPOKE TO MR. GRAY	REJ
8 52	MR. GRAY	TELE	MR. DONALD RUMSFELD - OUT - LEFT WORD TO RC	REJ
9 29	MR. CONRAD	PERS	SAW MR. GRAY	REJ
9 51	MR. DONALD RUMSFELD	TELE	SPOKE TO MR. GRAY	REJ
10 03	MISS MARGARET CHAMBERLAIN	PERS	SAW MR. GRAY	REJ
	BUREAU PHOTOGRAPHER			
10 07	MRS. VANNIE R. MITCHELL	PERS	SAW MR. GRAY	L.G.
	BUREAU PHOTOGRAPHER			
10 09	SA JAMES W. KEDFIELD, WIFE & 2 SONS	PERS	SAW MR. GRAY	L.G.
	BUREAU PHOTOGRAPHER			
10 11	MR. VERNON E. SMITH	PERS	SAW MR. GRAY	L.G.
	BUREAU PHOTOGRAPHER			
10 15	SA GEORGE B. FLEMING	PERS	SAW MR. GRAY	L.G.
	BUREAU PHOTOGRAPHER			
10 47	MR. CATES	PERS	SAW MR. GRAY	REJ
11 06	MR. GRAY	TELE	SPOKE TO MR. JOHN W. DEAN III	REJ
11 10	MR. GRAY	TELE	SAC J. MYERS COLE, SAN ANTONIO - OUT, LEFT WORD	REJ

(CONTINUED ON NEXT PAGE)

DIRECTOR:				
IN -	IN -	IN -	IN -	IN -
OUT -	OUT -	OUT -	OUT -	OUT -

DR

DAILY LOG DR Page 2 FILE

DIRECTOR'S OFFICE

FEDERAL BUREAU OF INVESTIGATION DATE Fri., June 23, 1972

Time	Caller	VIA	Action	Initial
1 35	Mr. John W. Dean III	Tele	Spoke to Mr. Gray	RET
1 50	SAC J. Miles Cole	Tele	Spoke to Mr. Gray	PEC
1 56	(Dep. Director, CIA) Lt. Gen. Vernon A. Walters	Tele	Rfd to Mrs. Meehan	PEC
2 02	Lt. Colonel Colin Luther Powell	Pers	Saw Mr. Gray	PEC
2 16	Sherry Heller	Tele	Rfd to Mrs. Meehan	PEC
2 19	Mr John W. Dean	Tele	Spoke to Mr. Gray	PEC
2 30	Sen. Lowell Weicker	Tele	Left Word	PEC
2 34	CIA Lt-Gen. Vernon A. Walters	Pers	Saw Mr. Gray	PEC
2 53	Mr. Gray	Tele	Spoke to Mr. John W. Dean	PEC
2 57	Mr Bates	Pers	Saw Mr. Gray	PEC
3 24	Mr. Gray	Tele	Spoke to Mr. John W. Dean	PEC
3 57	Mr. Gray	Tele	Spoke to Mr. John W. Dean	PEC
4 11	(Attorney General of Texas) Mr. Crawford Martin	Tele	Mr. Gray Out - Will Call Next Week	PEC
4 22	Mr. John W. Dean	Tele	Mr Gray Out - Will Call Again	PEC
9 31	Office Closed			PEC

DIRECTOR:	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -

At 1:35 p.m. on Friday, June 23, 1972, Mr. Dean telephoned me and said that General Walters, Deputy Director, CIA, would be calling for an appointment that afternoon and I should see him. Mr. Dean said, "He has something to tell you."

At 1:56 p.m. on Friday, June 23, 1972, the secretary to General Walters called my secretary and asked for an appointment. He was scheduled to see me at 2:30 p.m. that afternoon.

Mr. Dean called me again at 2:19 p.m. and it is my recollection that this was a call to ask if I had scheduled a meeting with General Walters for that afternoon. I told him that the meeting had been scheduled for 2:30 p.m. I seem to remember that he asked me to call him after the meeting.

I met with General Walters at 2:34 p.m. on Friday, June 23, 1972. He informed me that we were likely to uncover some CIA assets or sources if we continued our investigation into the Mexican money chain. I understood his statement to mean that if the FBI persisted we would uncover CIA covert operations and that the CIA had an interest in Messrs. Ogarrio and Dahlberg and in the $114,000 involved. He also discussed with me the agency agreement under which the FBI and CIA have agreed not to uncover and expose each other's sources. I had not read this agreement and still have not, but it was logical to me at that time and I did not question General Walters.

I undoubtedly said to General Walters that we will handle this in a manner that would not hamper the CIA, and that I would have to make a determination as to how the FBI would proceed with our investigation in this area.

I knew from Mr. Dean's earlier telephone conversation with me on this day that General Walters would be coming to see me, but I have no recollection or memory whatsoever of General Walters informing me at this meeting that he was coming to me after talking to the White House, or that he had talked to the White House at all. I understood him to be stating a CIA position, not a White House message.

At this point I would like to comment on General Walters' memorandum of this meeting, which I understand to be in evidence before this committee. With respect to General Walters' statement in paragraph 2 of his memorandum that "his—Gray's—problem was how to low key this matter now that it was launched," I may have said words to this effect to let him know that we would handle the CIA aspects of this matter with kid gloves. I can state categorically, however, that any sentiment of that kind expressed by me was an effort by me to abide by the CIA–FBI agreement and related solely to the possibility of exposing CIA covert activities in the pursuit of our investigation into Mexico. This sentiment, if expressed, could in no way have related to any effort by me or the FBI to "low key" the Watergate investigation generally.

In fact, the FBI did not low key the Watergate investigation generally and instructions were issued at the outset of the investigation and regularly thereafter to insure that this case was handled as a major case under the immediate supervision of the special agent in charge of each field office to which investigative leads were referred by the Washington field office or any other field office setting out leads to be pursued.

With respect to the rest of the paragraph, I may have mentioned the $89,000 to General Walters. I do not remember, but, if I did, I would have talked in terms of four checks in this total amount—not "a check" as his memo states—simply because four checks were involved. I probably also spoke of the name Ogarrio as well as Dahlberg simply because these two men, Mr. Ogarrio and Mr. Dahlberg, were always associated in my mind with the $89,000 in four checks, the Ogarrio checks, and with the $25,000 in one cashier's check, the Dahlberg check, which were traced to the bank account of Bernard Barker.

With respect to General Walters' comment in paragraph 3 of this memorandum that I said "that this was a most awkward matter to come up during an election year," it is certainly possible that in the course of my conversation with General Walters I may have expressed the thought that the Watergate case was a "hot potato" for a new Acting Director and the FBI in an election year, and for the President, too. I know that I expressed this thought to many people at various times. "Watergate is just what I needed" was a refrain I know I struck with friends on numerous occasions. General Walters' references to "he—Gray—would see what he could do," and "he * * *—Gray—would have to study the matter and see how it could best be done," could only relate to my admitted desire to pursue this investigation without compromising CIA assets and resources. In no way, shape, or form did I say or seek to imply to General Walters, or to anyone else, for that matter, that the FBI investigation would be other than aggressive and thorough. The only conceivable, limited exception was the alleged national security considerations being presented to me by General Walters and Mr. Dean which, as the record will show, brought about a delay in the interview of several persons for a period of 10 days to 2 weeks.

As a matter of fact, and as my testimony will make clear in more detail, I ordered our agents to continue to probe the Mexican money chain and the Dahlberg relationship during this period that the personal interview with Mr. Ogarrio was being held in abeyance and Mr. Dahlberg was evading us as we tried to interview him.

Finally, I have no recollection whatever of General Walters making any statement as he alleges in paragraph 4 of his memorandum to the effect that his "job had been an awkward one."

Upon General Walters' departure, I telephoned Mr. Dean and told him of the meeting with General Walters. I told Mr. Dean that we would hold up our interviews temporarily and work around this problem until we determined what we had encountered.

At 3:15 p.m. I telephoned Assistant Director Bates to tell him of my visit from General Walters and to tell him that CIA had an interest in this matter and that we may have uncovered a CIA money chain. In this telephone conversation, I undoubtedly ordered Mr. Bates to temporarily hold up an interview with Mr. Ogarrio but to continue to conduct appropriate investigation at Banco Internationale at Mexico City regarding the four Ogarrio checks, to continue to follow Mr. Dahlberg's movements and to continue to obtain toll call records of his long distance phone calls as we sought to interview him.

On the afternoon of Friday, June 23, 1972, I again telephoned Mr. Dean on two occasions, once at 3:24 p.m. and once at 3:47 p.m. I cannot be absolutely certain that the names Ogarrio and Dahlberg were

in the job and I was new in the job that that might be a good way to start out. I did wonder about it but I didn't—this was his privilege to do it any way he wished.

Mr. DASH. Now, General Walters, did there come a time when you put in writing, in the form of a memorandum, your recollection of that meeting on June 23, 1972?

General WALTERS. There did, Mr. Dash, 5 days later. When this thing started I did not habitually keep memorandums of my conversations. However, when on the Tuesday, the following Tuesday, Mr. Dean put the question to me or he didn't put the question but explored the possibility of the CIA going bail and paying the salaries of the suspects who were in jail, I realized it was time for me to start keeping a record. So following that second meeting on the 27th I sat down and I wrote memorandums for myself; they were not intended to be a verbatim account of the conversation or to cover all aspects of the conversation but notes to jog my own memory. I wrote a memorandum on the meeting with Mr. Haldeman and Mr. Ehrlichman, I wrote a memorandum on the meeting with Mr. Gray, I wrote a memorandum on my first meeting with Mr. Dean on Monday the 26th, and a memorandum of my second meeting with Mr. Dean on the 27th.

On the 28th I met with Mr. Dean for the third and last time, and I wrote a memorandum, I believe, the following day.

On the subsequent memorandums; namely, my calls on Mr. Gray, I wrote those memorandums either on the same day that I had the talk with Mr. Gray or the following day. If I may, I would like to make one point clear, I have been alleged to have a splendid memory and so forth and here I was making confession that I am afraid will not fit into it.

Mr. Helms was quite right in his testimony yesterday in that the question regarding bail and paying the salaries of these people came up on Tuesday. When I reviewed my notes and before I wrote the affidavit, I did correct this in my affidavit; namely, that the request regarding bail for defendants was on Tuesday.

Mr. DASH. We will get to that and I think you can restate it when I ask you about the meetings with Mr. Dean. I want to show you a copy we have of a memorandum purportedly from you or written by you on June 28 covering the June 23 meeting and ask you if this is a correct copy of the memorandum.

General WALTERS. Right. Yes, Mr. Dash, it is.

Mr. DASH. Mr. Chairman, may that copy be marked as an exhibit and introduced into the record?

Senator ERVIN. I believe this memorandum has previously been marked as exhibit No. 101.*

Mr. DASH. Now, General Walters, after you left the meeting with Mr. Haldeman and Mr. Ehrlichman, did you leave with Director Helms?

General WALTERS. I did. We walked downstairs and we stood and talked close to the car out on West Executive Avenue and Mr. Helms said to me:

> You must remind Mr. Gray of the agreement between the FBI and the CIA that if they run into or appear to be about to expose one another's assets they will notify one another, and you should remind him of this.

*See Book 7, p. 2948.

I did.

Mr. DASH. And then what did you do?

General WALTERS. I do not recall whether I went back to the Agency or not. I don't think time would have allowed it because the appointment had been made to see Mr. Gray at 2:30 p.m. My recollection is not clear on this, whether I went back to the Agency or whether I stayed downtown. I have a feeling I stayed downtown and at 2:30 I went to see Mr. Gray.

Mr. DASH. Now, was Mr. Gray, by the way, expecting your visit?

General WALTERS. Mr. Gray, I believe, was expecting my visit.

Mr. DASH. How do you know that?

General WALTERS. I believe he has subsequently testified that Mr. Dean had told him that I was on my way down.

Mr. DASH. All right.

Now, would you briefly relate to your best recollection what conversation you had with Mr. Gray at that time? This was on June 23, 1972.

General WALTERS. I said to Mr. Gray that I had just come from the White House where I had talked to some senior staff members and I was to tell him that the pursuit of the FBI investigation in Mexico, the continuation of the FBI investigation in Mexico, could—might uncover some covert activities of the Central Intelligence Agency. I then repeated to him what Mr. Helms had told me about the agreement between the FBI and CIA and he said he was quite aware of this and I intended to observe it scrupulously.

Mr. DASH. Now, did you tell him who gave you the direction to——

General WALTERS. I did not. I told him I had talked to some senior people at the White House.

Mr. DASH. Now, was that the sum and substance of that conversation in Mr. Gray's office?

General WALTERS. I believe so. We had expressed pleasure at meeting one another. I had intended to call on him, and so forth, and anything else that occurred I believe will be covered in the memorandum which is in your possession.

Mr. DASH. I think you testified that you also on June 28 included a memorandum of the meeting with Mr. Gray on June 23. I would like to show you a copy of the memorandum and ask you if this is a correct copy and does it cover the testimony you have just given.

General WALTERS. Yes, it is a correct copy.

Mr. DASH. Mr. Chairman, may that memorandum be marked as an exhibit and be received in evidence?

Senator ERVIN. In the absence of objection by any committee member it is so ordered and will be appropriately marked as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 129.*]

Mr. DASH. Now, after you met with Mr. Gray did you return to your offices at the CIA and——

General WALTERS. Yes; I did.

Mr. DASH [continuing]. And did you make a report of that meeting to former Director Helms?

General WALTERS. And I also started to check on whether this was a fact. I talked to the people at our geographic area that handles Mexico and I am not sure whether this was completed on the Friday

*See p. 3815.

EXHIBITS SUBMITTED FOR THE RECORD

EXHIBIT NO. 129

28 June 1972

MEMORANDUM FOR RECORD W

At 1430 on 23 June I called on the Acting Director of the FBI, L. Patrick Gray, at his office in the FBI Building and saw him alone.

I said that I had come to see him after talking to the "White House". I cited no names and he asked for none. I added that I was aware of the Director's conversation with him the previous day and while the further investigation of the Watergate Affair had not touched any current or ongoing covert projects of the Agency, its continuation might lead to some projects. I recalled that the FBI and the Agency had an agreement in this respect and that the Bureau had always scrupulously respected this. Gray said he was aware of this and understood what I was conveying to him. His problem was how to low key this matter now that it was launched. He said that a lot of money was apparently involved and there was a matter of a check on a Mexican bank for 89 thousand dollars. He asked if the name Dahlberg meant anything to me and I said it did not but that that was not really significant as I had only been with the Agency for a few months.

Gray then said that this was a most awkward matter to come up during an election year and he would see what he could do. I repeated that if the investigations were pushed "south of the border" it could trespass upon some of our covert projects and, in view of the fact that the five men involved were under arrest, it would be best to taper the matter off there. He replied that he understood and would have to study the matter to see how it could best be done. He would have to talk to John Dean about it.

Gray said he looked forward to cooperating closely with the Agency. After some pleasantries about J. Edgar Hoover and our past military careers, I left saying that my job had been an awkward one but he had been helpful and I was grateful.

Vernon A. Walters
Lieutenant General, USA

35. On June 23, 1972 at 3:00 p.m. Maurice Stans met at the CRP offices with Kenneth Dahlberg who, at the request of Stans and Fred LaRue, had flown to Washington that day for the meeting. LaRue and Stans discussed the check drawn by Dahlberg, the money from which had reached the bank account of Bernard Barker. At 5:00 p.m. on the same day Dahlberg met with Stans, LaRue and Robert Mardian.

Page

35.1 Maurice Stans calendar, June 23, 1972 (received from SSC). 406

35.2 Maurice Stans testimony, 2 SSC 701.....407

35.3 Maurice Stans telephone records, June 23, 1972 (received from SSC). 408

35-780 O - 74 - 27

35.1 MAURICE STANS CALENDAR, JUNE 23, 1972

LW - away

173 FRIDAY • JUNE 1972 • APPOINTMENTS
175TH DAY • 191 DAYS TO COME

DR

7 Cusk Eyes

8:30

2:30 John Katzbaw
C.F. Hutton

Fred Larue
Mmm

9:30 Lloyd Miller
Sloan

3:30 Whitney Baker
Nat Mitchell

Liddy

Pappas
re
Liddy

10:30 Charles Gartlett

4:30

Monte Shepherd
Michigan

Jordan Larue
Jordan
Lenkberg
Bourne

11:30

5:30

Frank Mitchell

12:30

6:30

DR

(406)

The treasurer, not being sure, discussed it with the general counsel for the committee and the general counsel suggested that he take the check and convert it into cash. The treasurer gave him the check.

Now, again, I can report what the treasurer has said, that he did not get the proceeds of the check back until some time in May. He received them in full and they were deposited in a bank account on May 25.

Now, as to those two transactions and several others in a similar category, we treated that as cash on hand on April 7 and reported it in the report of the media Committee To Re-Elect the President, in the amount of $350,000, and that exact amount of $350,000 was deposited in that committee's bank account on May 25. We felt that we had complied with every requirement of the law as to the handling and reporting of that money; we had accounted for it fully.

The General Accounting Office subsequently cited our committee for a possible violation of the law in failing to report the $25,000. But the Department of Justice, in a letter some months later, concluded that there was no violation of the law in the handling of that transaction.

Mr. EDMISTEN. Mr. Stans, when was the first time that you learned that these checks had cleared through a bank account of Bernard Barker?

Mr. STANS. It was well after the Watergate event of June 17.

Mr. EDMISTEN. Now, shortly after that, did you have any discussions with Mr. John Mitchell or anyone at the White House concerning any of these checks during the week immediately following?

Mr. STANS. I don't recall any specific conversation with John Mitchell, but I do recall a conversation with Fred LaRue and subsequently with Robert Mardian.

Mr. EDMISTEN. What did you talk about?

Mr. STANS. As I recall it, it was the morning of the 23d of June, which was 6 days after the Watergate affair. I received a phone call from Fred LaRue, saying, "Do you know Kenneth Dahlberg?"

And I said, "I certainly do."

He said, "Well, his contribution ended up in a bank account of one of the fellows who was arrested."

I said, "Dahlberg didn't make a contribution."

He said, "Well, it is his check."

So he came down and we discussed it and concluded that, in some manner or other, Dahlberg's check must have reached the bank account of Bernard Barker.

We called Dahlberg and discussed it with him, got him to Washington on that same day, met with him, and he met with LaRue and I think with Mardian, and got all the facts of the transaction in hand. It was clear that neither Dahlberg nor I nor Hugh Sloan had anything to do with the checks, that check or the Mexican checks, entering the Barker bank account. They could only have gotten there through the hands of our general counsel, Gordon Liddy, who had taken them into his custody.

Mr. EDMISTEN. Mr. Stans, I am going to skip along, I don't want to encroach on the committee. At one time did you approve or consent to giving Mr. Fred LaRue $80,000?

Mr. STANS. Yes, I did. Would you like to know the background of that?

PAGE NUMBER 474 — BILL DATE 7-16-72 — *66* — AREA CODE 202 — TELEPHONE NUMBER 333 0920

DATE	PLACE		AREA	TELEPHONE NO	AMOUNT							
6 21	NASHVILLE	TENN	615	327 9551	1.00	1	1	1	A	3		1456
6 21	MINNEAPOLS	MINN	612	545 3721	1.45	1	1	2	A	7		1723
6 21	BIRMINGHAM	ALA	205	871 2137	1.00	1	1	1	A	1		1459
6 22	NEW YORK	NY	212	675 2500	.80	1	1	1	A	1		1229
6 22	NEW YORK	NY	212	675 2500	.80	1	1	1	A	3		1449
6 22	CLEVELAND	OHIO	216	861 3300	.90	1	1	1	A	1		1022
6 22	AKRON	OHIO	216	762 8903	.85	1	1	1	A	1		1027
6 22	AKRON	OHIO	216	762 8903	4.85	1	1	1	A	19		1127
6 22	LITTLETON	COLO	303	771 8200	.75	1	1	2	A	3		1802
6 22	NEW YORK	NY	212	838 7557	.80	1	1	1	A	1		1231
6 22	NEW YORK	NY	212	956 4000	1.68	1	1	1	A	7		1452
6 22	DALLAS	TEX	214	748 9274	1.15	1	1	1	A	2		1047
6 22	MINNEAPOLS	MINN	612	332 1902	2.80	1	1	1	A	8		1032
6 22	LA CROSSE	WIS	608	785 1000	2.80	1	1	1	A	8		1550

CALLS AND TELEGRAMS

PAGE NUMBER 475 — BILL DATE 7-16-72 — *66* — AREA CODE 202 — TELEPHONE NUMBER 333 0920

DATE	PLACE	CALLED	AREA	TELEPHONE NO.	AMOUNT	C/R	STEP	TYPE	CLASS	DIAL	MIN	RAD	CYCLE	BATCH/CARD NO.	CONN TIME
6 22	RICHMOND	VA	703	648 5033	1.11	1	1	1		A	6				1433
6 22	COLUMBUS	IND	812	379 6249	1.00	1	1	1		A	1				1632
6 23	LOSANGELES	CAL	213	620 1240	1.80	1	1	1		A	4				1248
6 23	NEW YORK	NY	212	826 2100	.80	1	1	1		A	3				1445
6 23	NEW YORK	NY	212	269 3700	.80	1	1	1		A	1				1312
6 23	NEW YORK	NY	212	676 8000	.80	1	1	1		A	1				1543
6 23	NEW YORK	NY	212	344 9200	.80	1	1	1		A	1				0908
6 23	LKMINTONKA	MINN	612	473 3002	1.15	1	1	1		A	1				0928
6 23	LKMINTONKA	MINN	612	473 3002	3.60	1	1	1		A	10				0845
6 23	SAN MATEO	CAL	415	574 3300	1.35	1	1	1		A	1				1615
6 23	CREVECOEUR	MO	314	432 8130	1.05	1	1	1		A	1				1314
6 23	MIAMI	FLA	305	361 5484	1.15	1	1	1		A	1				1111
6 23	MIAMI	FLA	305	361 5484	1.15	1	1	1		A	3				1111
6 23	YONKERS	NY	914	969 6500	.80	1	1	1		A	1				1544

CALLS AND TELEGRAMS

PAGE NUMBER 476 — BILL DATE 7-16-72 — *66* — AREA CODE 202 — TELEPHONE NUMBER 333 0920

DATE	PLACE	CALLED	AREA	TELEPHONE NO	AMOUNT							
6 23	FROM LK MTK	MIN	612	473	1.55	1	4	1			3S779004409	
6 24	CREVECOEUR	MO	314	432 8130	2.00	1	1	7	A	13		1113
6 24	LOS ALTOS	CAL	415	948 2182	.70	1	1	7	A	1		1231
6 27	MIDDLEBURG	VA	703	687 6303	.40	1	1	1	A	1		1404
6 28	NEW YORK	NY	212	582 1424	.55	1	1	2	A	3		1706
6 28	LINCOLN	NEBR	402	467 1122	1.15	1	1	1	A	1		1157
6 28	JACKSONVL	FLA	904	398 1131	1.00	1	1	1	A	1		1127
6 29	ST JOSEPH	MICH	616	983 2210	1.00	1	1	1	A	2		1625
6 29	BOSTON	MASS	617	542 6200	.95	1	1	1	A	1		1624
6 29	LEXINGTON	KY	606	255 8726	.95	1	1	1	A	1		0944
6 29	FLINT	MICH	313	234 0190	1.00	1	1	1	A	1		0949
6 30	MINNEAPOLS	MINN	612	545 3721	1.05	1	1	1	A	2		1030
7 3	GREECE				21.00	4	1	3			7R035000979	
7 5	WHITE PLS	NY	914	949 3205	27 .35	1	1	2	A	5		1725

35.3 NOTE: 612/473-3002 IS THE LISTED TELEPHONE NUMBER FOR KENNETH DAHLBERG. (SOURCE: TELEPHONE DIRECTORY FOR MINNEAPOLIS AND SURROUNDING COMMUNITIES, DECEMBER 1973, 28)

36. On or before June 26, 1972 Walters determined that there were no CIA sources or activities in Mexico that might be jeopardized by FBI investigations of the Ogarrio check in Mexico. On June 26, 1972 Walters met with John Dean and advised him that there was nothing in any of the FBI investigations that could jeopardize or compromise in any way CIA activities or sources in Mexico.

Page

36.1 Vernon Walters testimony, 9 SSC 3407-09.....410

36.2 Vernon Walters memorandum for record, June 28, 1972, SSC Exhibit No. 130, 9 SSC 3816-17.....413

I did.

Mr. DASH. And then what did you do?

General WALTERS. I do not recall whether I went back to the Agency or not. I don't think time would have allowed it because the appointment had been made to see Mr. Gray at 2:30 p.m. My recollection is not clear on this, whether I went back to the Agency or whether I stayed downtown. I have a feeling I stayed downtown and at 2:30 I went to see Mr. Gray.

Mr. DASH. Now, was Mr. Gray, by the way, expecting your visit?

General WALTERS. Mr. Gray, I believe, was expecting my visit.

Mr. DASH. How do you know that?

General WALTERS. I believe he has subsequently testified that Mr. Dean had told him that I was on my way down.

Mr. DASH. All right.

Now, would you briefly relate to your best recollection what conversation you had with Mr. Gray at that time? This was on June 23, 1972.

General WALTERS. I said to Mr. Gray that I had just come from the White House where I had talked to some senior staff members and I was to tell him that the pursuit of the FBI investigation in Mexico, the continuation of the FBI investigation in Mexico, could—might uncover some covert activities of the Central Intelligence Agency. I then repeated to him what Mr. Helms had told me about the agreement between the FBI and CIA and he said he was quite aware of this and I intended to observe it scrupulously.

Mr. DASH. Now, did you tell him who gave you the direction to——

General WALTERS. I did not. I told him I had talked to some senior people at the White House.

Mr. DASH. Now, was that the sum and substance of that conversation in Mr. Gray's office?

General WALTERS. I believe so. We had expressed pleasure at meeting one another. I had intended to call on him, and so forth, and anything else that occurred I believe will be covered in the memorandum which is in your possession.

Mr. DASH. I think you testified that you also on June 28 included a memorandum of the meeting with Mr. Gray on June 23. I would like to show you a copy of the memorandum and ask you if this is a correct copy and does it cover the testimony you have just given.

General WALTERS. Yes, it is a correct copy.

Mr. DASH. Mr. Chairman, may that memorandum be marked as an exhibit and be received in evidence?

Senator ERVIN. In the absence of objection by any committee member it is so ordered and will be appropriately marked as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 129.*]

Mr. DASH. Now, after you met with Mr. Gray did you return to your offices at the CIA and——

General WALTERS. Yes; I did.

Mr. DASH [continuing]. And did you make a report of that meeting to former Director Helms?

General WALTERS. And I also started to check on whether this was a fact. I talked to the people at our geographic area that handles Mexico and I am not sure whether this was completed on the Friday

*See p. 3815.

afternoon or whether it was completed Monday morning, but it was soon clear to me that nobody who was responsible for that area in the Agency felt that the ongoing FBI investigation could jeopardize any of the Agency sources or activities in Mexico.

Mr. DASH. Well, now, did you subsequently receive any communication from anybody at the White House after June 23?

General WALTERS. On Monday morning, June 26, I received a phone call from a man who identified himself as John Dean and he said he wished to speak to me about the matters that Mr. Haldeman and Mr. Ehrlichman had discussed with me on Friday. I did not know Mr. Dean. And I expressed so—something to the effect that I don't know who you are and he said, "Well, you can call Mr. Ehrlichman to see whether it is all right to talk to me or not."

Mr. DASH. Did you call Mr. Ehrlichman?

General WALTERS. I called Mr. Ehrlichman. I had some difficulty in reaching him but finally I reached him and I said: "A Mr. John Dean wants to talk to me about the matters discussed with you and Mr. Haldeman on the preceding Friday" and he said: "Yes, it is all right to talk with him. He is in charge of the whole matter."

Mr. DASH. Did you then meet with Mr. Dean on that day?

General WALTERS. I then——

Mr. DASH. The 26th.

General WALTERS. I then called Mr. Dean again and he asked me to come down and see him, I believe, at 11:30 or 11:45. I believe it is indicated on the memorandum I wrote.

Mr. DASH. Will you relate to the committee the conversation you had with Mr. Dean at that time, on June 26, 1972?

General WALTERS. Mr. Dean said that he was handling this whole matter of the Watergate, that it was causing a lot of trouble, that it was very embarrassing. The FBI was investigating it. The leads had led to some important people. It might lead to some more important people.

The FBI was proceeding on three hypotheses, namely, that this break-in had been organized by the Republican National Committee, by the Central Agency, or by someone else; whereupon I said I did not know who else organized it but I know that the Central Intelligence Agency did not organize it. I said, furthermore—I related to Mr. Dean my conversation with Mr. Haldeman and Mr. Ehrlichman on the previous Friday, and told him I had checked within the Agency and found there was nothing in any of the ongoing FBI investigations that could jeopardize CIA activities or sources or compromise them in any way in Mexico.

He then said, "Well, could this not have happened without your knowledge?" "Well," I said, "originally perhaps, but I have inquired. I have talked to Mr. Helms and I am sure that we had no part in this operation against the Democratic National Committee."

He kept pressing this. There must have been. These people all used to work for the CIA, and all this thing. I said maybe they used to, but they were not when they did it and he pressed and pressed on, on this and asked if there was not some way I could help him, and it seemed to me he was exploring perhaps the option of seeing whether he could put some of the blame on us. There was not any specific thing he said but the general tenor was in this way and I said to him—I did not have an opportunity to consult with anybody—I simply said,

Mr. Dean, any attempt to involve the Agency in the stifling of this affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the Nation. It would be a grave disservice to the President. I will not be a party to it and I am quite prepared to resign before I do anything that will implicate the Agency in this matter.

This seemed to shock him somewhat. I said that anything that would involve any of these Government agencies like the CIA and FBI in anything improper in this way would be a disaster for the Nation. Somewhat reluctantly he seemed to accept this line of argument and I left.

Mr. DASH. Now, General Walters, since you had made the check prior to seeing Mr. Dean concerning whether in fact any FBI investigation in Mexico would seriously or not seriously involve any covert activities of the CIA, and you reported that to Mr. Dean at this meeting, did you believe that you were responding at that meeting then to the concern that you had received at the earlier meeting from the statement from Mr. Haldeman?

General WALTERS. Yes, Mr. Dash, I did. At the risk of perhaps seeming naive in retrospect it did not occur to me at that time that Mr. Dean would not tell Mr. Gray. Mr. Gray was in touch with Mr. Dean. Mr. Dean told me he was in touch with Mr. Gray. In retrospect I should, of course, have called Mr. Gray directly. I regret that I did not.

Mr. DASH. And you had been informed by Mr. Ehrlichman when you checked as to whether you should talk to Mr. Dean, that Mr. Dean was a person you could talk to, that he was handling the matter?

General WALTERS. That is correct.

Mr. DASH. I think when you were testifying just a little while ago you said that you may have incorrectly put in your memorandum of the June 26 meeting something that should have been in another meeting. I want to show you your memorandum or a writing that appears to be a memorandum prepared by you on June 28 dealing with the conversation you had with Mr. Dean on June 26 and ask you if you want to make a correction as to that memorandum for the record. You will notice, General Walters, that there is an excised portion of that memorandum which has been cut out and on our receipt of that, it appeared to be matters which dealt with national security and, therefore, was excised.

General WALTERS. Fine. I am very appreciative of the committee for doing this.

Yes, it does. If I were to make a correction somewhat complicated it would really be that the fourth paragraph, the sixth and seventh paragraphs belong to the conversation of the 27th rather than the conversation of the 26th.

Mr. DASH. And that dealt with the question of money, bail money from the CIA.

General WALTERS. That is correct. This is a correct copy.

Mr. DASH. It is a correct copy of your memorandum?

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, could we have that memorandum marked as an exhibit and received in evidence?

Senator ERVIN. The memorandum will be appropriately numbered as an exhibit and received in evidence as such.

EXHIBIT NO. 130

28 June 1972

MEMORANDUM FOR RECORD

On 26 June at about 10:00 a.m. I received a phone call from Mr. John Dean at the White House. He said he wished to see me about the matter that John Ehrlichman and Bob Haldeman had discussed with me on the 23rd of June. I could check this out with them if I wished. I agreed to call on him in his office in Room 106 at the Executive Office Building at 1145 that morning. Immediately after hanging up, I called Ehrlichman to find out if this was alright and after some difficulty I reached him and he said I could talk freely to Dean.

At 1145 I called at Dean's office and saw him alone. He said that the investigation of the Watergate "bugging" case was extremely awkward, there were lots of leads to important people and that the FBI which was investigating the matter was working on three theories:

1. It was organized by the Republican National Committee.
2. It was organized by the CIA.
3. It was organized by some other party.

I said that I had discussed this with Director Helms and I was quite sure that the Agency was not in any way involved and I knew that the Director wished to distance himself and the Agency from the matter. Dean then asked whether I was sure that the Agency was not involved. [ ] I said that I was sure that none of the suspects had been on the Agency payroll for the last two years.

Dean then said that some of the accused were getting scared and "wobbling". I said that even so they could not implicate the Agency. Dean then asked whether there was not some way that the Agency could pay bail for them (they had been unable to raise bail). He added that it was not just bail, that if these men went to prison, could we (CIA) find some way to pay their salaries while they were in jail out of covert action funds.

I said that I must be quite clear. I was the Deputy Director and as such had only authority specifically delegated to me by the Director and was not in the chain of command but that the great strength of the Agency and its value to the President of the nation lay in the fact that it was apolitical and had never gotten itself involved in political disputes. Despite the fact that I had only been with the Agency a short time, I knew that the Director felt strongly about this.

I then said that big as the troubles might be with the Watergate Affair, if the Agency were to provide bail and pay salaries, this would become known sooner or later in the current "leaking" atmosphere of Washington and at that point the scandal would be ten times greater as such action could only be done upon direction at the "highest level" and that those who were not touched by the matter now would certainly be so.

Dean seemed at first taken aback and then very much impressed by this argument and said that it was certainly a very great risk that would have to be weighed. I repeated that the present affair would be small potatoes compared to what would happen if we did what he wanted and it leaked. He nodded gravely.

I said that, in addition, the Agency would be completely discredited with the public and the Congress and would lose all value to the President and the Administration. Again he nodded gravely.

He then asked if I could think of any way we (CIA) could help. I said I could not think of any but I would discuss the matter with the Director and would be in touch with him. However, I felt that I was fully cognizant of the Director's feelings in this matter. He thanked me and I left.

Vernon A. Walters
Lieutenant General, USA

2

37. On or about June 27, 1972 John Dean and Fred Fielding, his assistant, delivered to FBI agents a portion of the materials from Howard Hunt's safe. The materials given to the FBI agents included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the FBI agents included fabricated diplomatic cables purporting to show the involvement of the Kennedy administration in the fall of the Diem regime in Vietnam, memoranda concerning the Plumbers unit, a file relating to an investigation Hunt had conducted for Charles Colson at Chappaquidick, and two notebooks and a pop-up address book.

		Page
37.1	John Dean testimony, 3 SSC 937-38, 948	416
37.2	Fred Fielding deposition, May 15, 1973, Democratic National Committee v. McCord, 15, 34-35	419
37.3	FBI inventory of contents of Hunt's safe, published as insertions in SJC, Gray Nomination Hearings, March 7, 1973, 329-30	422
37.4	Richard Ben-Veniste statement, United States v. Liddy, November 5, 1973, 3-5	424

When Petersen arrived at Kleindienst's office he gave a status report of the investigation. Kleindienst then related my concern to Petersen. Petersen was troubled by the case and the implications of it. Kleindienst had another meeting, so Petersen and I—I believe the other meeting was in his office, so Petersen and I went into Mr. Kleindienst's back office and talked further. To the best of my recollection, we did not discuss specifics, rather it was a general discussion.

I told him I had no idea where this thing might end, but I told him I did not think the White House could withstand a wide-open investigation. The sum and substance of our conversation was that I had no idea how far this matter might go, but I had reason—without being specific—to suspect the worst. The meeting ended on that note, that I hoped I was wrong.

I do not recall ever reporting this meeting to Ehrlichman, because he had a somewhat strained relationship with Kleindienst and I thought he would raise havoc that I did not have an assurance from Kleindienst that he would take care of everything. I did report, however, that I felt Petersen would handle this matter fairly and not pursue a wide-open inquiry into everything the White House had been doing for 4 years. I made this statement not because of anything Petersen specifically said, as much as the impression he gave me that he realized the problems of a wide-open investigation of the White House in an election year.

Returning now to the contents of Mr. Hunt's safe, it was mid-morning on Tuesday, June 20, when the GSA men brought several cartons to my office, which contained the contents of Hunt's safe. I had learned earlier that morning from Fielding that the boxes had been secured in Kehrli's office overnight. Fielding also reported that they had found a handgun in the safe, which Kehrli had disengaged, a large briefcase containing electronic equipment, and a number of documents, some of which were classified. I told Fielding I would like his assistance later that day in going through the material.

During the afternoon of the 20th, Fielding and I began going through the cartons of Hunt's materials. I remember looking in the briefcase, which contained electronic equipment. I frankly do not know what it was it contained, but it contained loose wires, chapsticks for your lips with wires coming out of them and instruction sheets for walkie-talkies. As I recall, there were also some antennas in there.

We then began sorting the documents. The bulk of the papers were classified cables from the State Department relating to the early years of the war in Vietnam. These were separated out from the rest of the papers. The other papers I assumed related to Hunt's work at the White House. Also, there were personal papers. I will attempt, to the best of my recollection, to describe the papers and documents that were found in the safe. I must point out, however, that I personally did not look at all the documents, rather it was a combined effort by Fielding and myself to determine what was in Hunt's safe.

First, among his personal papers were copies of his submissions for his per diem pay as a consultant, a few travel vouchers, and an envelope containing materials of a personal nature relating to his wife.

Among the papers that I assumed related to his work at the White House were numerous memorandums to Chuck Colson regarding Hunt's assessment of the plumbers unit operation and critical of Mr.

Krogh's handling of matters; a number of materials relating to Mr. Daniel Ellsberg, such as news clippings and a psychological study of Ellsberg which apparently had been prepared by someone who had never actually met or talked with Mr. Ellsberg; a bogus cable—that is, other cables spliced together into one cable regarding the involvement of persons in the Kennedy administration in the fall of the Diem regime in Vietnam; a memorandum regarding some discussion about the bogus cable with Colson and Mr. William Lambert; some materials relating to an investigation Hunt had conducted for Colson at Chappaquidick, some materials relating to the Pentagon Papers and a paperback book containing the published Pentagon Papers.

Upon examining the contents of the safe, I recall that Fielding and I discussed our concern about the public impact some of these documents might have if they became public, particularly in an election year. I requested that Fielding remove the politically sensitive documents from the others, which he did. The classified State Department cables were too bulky for my own safe, so I called David Young and requested that he store them for me in his office, as I assumed at that time that they would probably be returned to the State Department. I told Young when he came to pick up the materials that they had come from Hunt's safe and he should store them—all together—until I told him what to do with them. Accordingly, Mr. Young took the State Department documents to his office. The large briefcase was stored in a locked closet in my office suite, and the politically sensitive documents and Hunt's personal papers were placed in a safe in my office. The remaining materials were left in the cartons on the floor in my office.

I subsequently met with Ehrlichman to inform him of the contents of Hunt's safe. I gave him a description of the electronic equipment and told him about the bogus cable, the materials relating to Ellsberg and the other politically sensitive documents. I remember well his instructions: He told me to shred the documents and "deep six" the briefcase. I asked him what he meant by "deep six." He leaned back in his chair and said: "You drive across the river on your way home at night—don't you?" I said, yes. He said, "Well, when you cross over the bridge on your way home, just toss the briefcase into the river."

I felt very much on the spot, so I told him in a joking manner that I would bring the materials over to him and he could take care of them because he also crossed the river on his way home at night. He said, no thank you, and I left his office and returned to my office.

After leaving Erlichman's office I thought about what he had told me to do and was very troubled. I raised it with Fielding and he shared my feelings that this would be an incredible action to destroy potential evidence. I think Mr. Fielding appreciated my quandary—when Ehrlichman said do something, he expected it to be done. I decided to think it over. I did take the briefcase out of my office because the closet that it was being stored in was used by the secretaries in the office and I did not have an available safe to hold the large briefcase. I was also giving serious consideration to Ehrlichman's instructions. Accordingly, I placed the briefcase in the trunk of my car, where it remained until I returned it to the office after I had reached a decision that I could not follow Ehrlichman's instructions. I will explain in a few minutes how I handled the material in Hunt's safe, but before doing so, I would like to continue with the sequence of events.

been earlier, that the CIA could not and would not be brought in to solve the problems confronting the White House and reelection committee as a result of the Watergate incident.

I subsequently informed Ehrlichman and Haldeman that unless the President directly ordered the CIA to provide support for those involved that the CIA was not going to get involved. I told them I agreed with Walters that this would be a terrible mistake and they both told me they agreed.

TRANSMITTING THE MATERIALS IN MR. HUNT'S SAFE TO THE FBI

I would now like to explain the transmitting of the materials in Hunt's safe to the FBI. As I noted earlier, shortly after the FBI interview on June 22 of Colson, and my later instructions from Ehrlichman to "Deep Six" the briefcase and shred documents, I had informed the FBI that I would forward the material found in Hunt's office. After weighing the implications of Ehrlichman's instructions to destroy the items I decided that I would not engage in any such activity myself or be pushed into it. Accordingly, I asked David Young to return the State Department cable to my office. I had already returned the briefcase from my car trunk to my office.

I received several calls from the FBI requesting the material, but I had not yet figured out how to tell Ehrlichman I was not going to destroy the material. I knew I had to develop a good argument to give Ehrlichman as to why the materials should not be destroyed. On June 25 or 26 I went to Ehrlichman to explain that I thought the men who drilled the safe had probably seen the briefcase, that the Secret Service agent who was present had probably seen some of the material; that Mr. Kehrli and Fielding had seen it—and what would happen when all those people were later asked by the FBI about the contents of the safe. Then, I said I felt we must turn over the material to the FBI. With regard to the sensitive documents. I suggested that they be given directly to Gray. I told Ehrlichman that, if ever asked under oath, I had to be able to testify that to the best of my knowledge, everything found in the safe had been turned over to the FBI.

The FBI agents came to my office, I believe on June 26 or 27. I gave them one box, which had been packed and told them that as soon as the other material was packed I would get it to them. When I got tied up in a meeting, I phoned Fielding and asked him to pack up the remainder of the materials, which I believe was the State Department cables and the briefcase. He did so and turned over the remainder of the materials, with the exception of the two envelopes which contained the politically sensitive materials I described earlier. I spoke with Ehrlichman on the 28th and informed him the material had been sent to the FBI with the exception of the politically sensitive documents. He told me he was meeting later that day with Gray and I should bring them over at that time.

I went to Ehrlichman's office just before Mr. Gray arrived. I placed the envelopes on the coffee table in his office. When Gray arrived, Ehrlichman told him that we had some material for him that had come from Hunt's safe. Ehrlichman described it as politically sensitive, but not related to the Watergate. I told Gray that Fielding and I had gone through Hunt's documents and had turned over all the materials to the agents except the documents in these two envelopes.

correct? Would it be the morning of the 20th? Yes, the morning of the 20th. When you went through the boxes with Mr. Dean, what was contained in those boxes?

A Aside from the briefcase, of course, the bulk of the material were cables, copies of cables.

Q Did you read the cables?

A Just briefly I looked at them.

Q Do you recall the contents of those cables?

A Only generally. The cables, as I recall, were classified.

Q Do you know if they are still classified?

A I would have no way of knowing if they have been declassified or not. They bore classification markings on them.

Q What were the markings that indicated to you that they were classified?

A Standard top secret.

Q Stamp?

A These were Thermofax. I don't really recall if they were stamped or just typed only.

Q Are these the telegrams that we have been reading about in the paper which Mr. Hunt allegedly has doctored up?

A No. There were a lot of cables that I would consider to be legitimate cables. In addition, there was a folder that

over, to the best of my knowledge it was all turned over, but I wanted to qualify it to that extent, that it wasn't all turned over to the same person, but it was all turned over to the same organization, to the best of my knowledge.

Q Did Mr. Dean tell you who he had these discussions with?

A Yes.

Q Who were those people?

A He told me it was discussed with Mr. Ehrlichman.

Q Mr. Haldeman?

A No. As I recall, the only name that I recall in that conversation was Mr. Ehrlichman. Conceivably, he could have talked to any number of people. I don't know. I wasn't privy to any conversation except between Mr. Dean and myself.

Q You were not in on any conversations?

A No.

Q You were getting reports as to how this was going to be handled?

A It wasn't even reports. It was just conversations that we had. During this period of time that that material was in the safe, I was doing other things.

Q When did the material come out of the safe, to the best of your knowledge?

A I believe on the 27th. I got a call from Mr. Dean and he asked me -- he told me that he had turned over some of the things that morning and asked me to get a box --

Q Let me stop you. You say he "turned over some of the things." What type of things did he turn over?

A He called me and said he had turned over some of the things that morning or that afternoon -- I don't remember precisely what the time frame was -- and would I get a box and turn over the rest of it, that the FBI agents would come and pick it up. I got a box. He told me the material to be turned over was sitting on the coffee table in his office. I got a box, went in, put the material in the box, put the briefcase in the box, sealed the box, marked it "Top Secret," presuming that that was the highest classification of anything there. When the agents came up to pick it up, they had already had some materials. As I recall, they gave me an inventory sheet at that point, although I don't recall whatever happened to the inventory sheet. We have looked for it subsequently. That is why it is fresh in my mind that I didn't know where it was. They wanted to return the gun, the pistol, and I told them they either took all or nothing, so they went back and checked, got on the telephone ~~and~~ OR * did something and then agreed that they would keep the pistol and then they took the box.

* TO CORRECT STENOGRAPHIC ERROR

[Mr. Gray subsequently submitted the following document for the record:]

FEDERAL BUREAU OF INVESTIGATION,
July 3, 1972.

Mr. John Dean, Legal Counsel to Richard M. Nixon, President of the United States, Executive Office Building, 17th and Pennsylvania Avenue, N.W., Washington, D.C. (WDC), provided Special Agents Daniel C. Mahan and Michael J. King of the FBI, WDC, one cardboard box, which he stated was the effects of Mr. Everette Howard Hunt taken from Room 338 of the Executive Office Building. The effects contained in this box provided by Mr. Dean are listed as follows:

One small metal box;
One .25 caliber automatic Colt revolver, bearing Serial Number 321803;
One clip for this revolver, containing live ammunition;
One holster;
One Rolodex file;
One copy of the book "Pentagon Papers";
Numerous sheets of carbon copy papers;
Two White House pads;
Numerous sheets of White House stationery;
One desk calendar;
A quantity of office supplies, three stamp pads, scissors, pens and pencils, scotch tape, staples, staple gun, glue, and a clipboard;
Two folders (instructions of office operation);
One blanket;
One plastic carrying case.

Interviewed on June 27, 1972, at Washington, D.C. File No. WFO 139-166; by SAs Daniel C. Mahan and Michael J. King. Date dictated June 29, 1972.

FEDERAL BUREAU OF INVESTIGATION,
Date of transcription: July 3, 1972.

Mr. Fred Fielding, Assistant to the Legal Counsel to Richard M. Nixon, President of the United States, Executive Office Building, 17th and Pennsylvania Avenue, N.W., Washington, D.C. (WDC), furnished Special Agents Daniel C. Mahan and Michael J. King of the FBI, WDC, one large cardboard box sealed with tape and marked with pen "Top Secret".

An inventory of the contents of that box is listed as follows:

1. One brown envelope marked "Howard Hunt, Eyes Only, Personal, Unclassified".
2. Six brown envelopes containing classified material relating to the "Pentagon Papers".
3. One tan folder marked "Ellsberg" containing numerous papers concerning one Daniel Ellsberg.
4. One tan folder marked "Pentagon Papers" containing newspaper articles.
5. One tan folder marked "Time and Pay Records" containing verification of hours worked at the White House.
6. One tan folder marked "Correspondence" containing copies of letters.
7. One tan folder marked "Press Contacts" containing press contacts and newspaper articles.
8. One tan folder marked "John Paul Vann" containing a newspaper article.
9. One empty gray folder.
10. One black attache case containing the following list of items:

Four Kel-Com Transceivers Technical Manual and Operating Instruction—Bell and Howell 148-174MCS;
Two antennas—UG-447/U and numbered 74868;
RG-58A/U, Belden 8259 Antenna Lead Wire;
Four rechargeable model B1 nickel cadmium batteries—Bell and Howell;
One tear gas cannister/General MK VII, M/G. General Ordnance Equipment Corp., Pittsburgh, Pa;
Two microphones—simulated chapstick containers;
Three antenna leads;
Two earphones, numbered 8813, 9042;
Four antennas, bendable wire;
Six jack wires;

One shoulder harness with white lead wire and phone jack;
Three shoulder harnesses;
Three belt harnesses;
Three operating instructions for Bell and Howell Portable Transmitter;
One Mobil Oil Co. map of Delaware, Maryland, Virginia and West Virginia, with pencil circle around Warrenton, Virginia area and with pencil circle around Union Station area;
Two lead wires with black end and pink end;
One Avis rental car map of the Baltimore, Md., and WDC area, with circles around junction of Route 695 and I95, circle in the area of junction with George Washington Memorial Parkway and I95, circled area of junction with George Washington Memorial Parkway and Route I66, circled area of junction of Capital Beltway and Maryland Route 190 (River Road), circled area of junction with I270 and I495, circled area of Campbell Corner, Maryland, circled area of 14th and K Streets, N.W., with a pencil route traced from the House of Representatives Office Buildings to the 14th and K Street areas.
Interviewed on June 27, 1972, at Washington, D.C. File No. WFO 139-166; by SAs Daniel C. Mahan and Michael J. King. Date dictated June 29, 1972.

Senator BYRD. Did the FBI believe Mr. Dean turned over everything that had been taken from Mr. Hunt's safe?

Mr. GRAY. I know allegations have been made that this did not occur. This came up in October, as I recall, when I think there was a motion to suppress evidence filed by Mr. Hunt, and his attorney. At that time we again went into this allegation, with the assistant U.S. attorney and with the Assistant Attorney General in the Criminal Division, regarding a pocket notebook and a Hermes notebook.

I think I am correct in saying that the agents went to stores here in Washington trying to identify a Hermes notebook or a Hermis notebook, whatever that is. But the allegations were made in that motion to suppress that this pocket notebook and this Hermes notebook were not turned over.

That was not found in any of the effects of Howard Hunt. This was looked into in the presence of the special agent, the assistant U.S. attorney—this was at the time we were preparing to respond to that motion—and the Assistant Attorney General in charge of the Criminal Division.

And there is no evidence at all that that pocket notebook and that Hermes notebook were there.

Senator BYRD. Was Mr. Dean subsequently questioned?

Mr. GRAY. He was questioned at that time, yes; he was. Yes, that is correct.

Senator BYRD. On what date was he questioned?

Mr. GRAY. I will have to get the date for you for the record.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. GRAY. Upon checking the records, Senator Byrd, I have learned that on January 4, 1973, in pretrial preparation, Mr. Dean, Mr. Kehrli and Mr. Fielding were all questioned by Assistant U.S. Attorney Silbert, in the presence of Assistant Attorney General Petersen of the Criminal Division and a Special Agent of our Washington Field Office in Mr. Petersen's office at the Justice Building.

Senator BYRD. Was he questioned subsequent to the first interrogation? Were there followups?

Mr. GRAY. No; I will have to look at the date of the list of interviews. I am talking now about when he was questioned regarding the motion to suppress and the fact that there were items missing from the material turned over to us.

Senator BYRD. Are you convinced that there was no effort to conceal anything?

[P R O C E E D I N G S]

THE DEPUTY CLERK: Criminal Action No. 1827-72, United States of America versus E. Howard Hunt, James W. McCord, Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and Virgilio R. Gonzalez.

Mr. Philip Lacovara and Mr. Richard Ben-Veniste, counsel for the government.

Mr. Sidney Sachs, counsel for Mr. Hunt.

Mr. Bernard L. Fensterwald, counsel for Mr. McCord.

Mr. Daniel E. Shultz, counsel for Messrs. Barker, Martinez, Sturgis and Gonzalez.

THE COURT: Mr. Shultz --

MR. SHULTZ: Yes, Your Honor.

THE COURT: As to the defendants whom you represent, do you waive their right to be present here today?

MR. SHULTZ: Yes, I do, Your Honor.

THE COURT: Mr. Shultz, I will hear you with reference to the motion filed by your clients to withdraw their pleas of guilty. I will allow you one half-hour and then I will allow the Government one half-hour to answer.

MR. BEN-VENISTE: May I make a brief statement of facts?

THE COURT: Yes.

MR. BEN-VENISTE: Your Honor, this is in connection with the motion made by the defendant Hunt and it relates to

evidence which has recently come into our possession from John W. Dean III. As you know, Your Honor, Mr. Dean pleaded guilty on October 19th before this Court and following that time we had occasion to interview him from time to time but the developments over the last few weeks inhibited us to some extent from doing that as thoroughly as we would like. However last Friday, while we were in Court, members of our staff interviewed Mr. Dean and questioned him with respect to the contents of Mr. Hunt's safe. This was the first occasion on which members of the Special Prosecution Force had the opportunity to question him about this matter. Mr. Dean relate that at some time in late January, 1973, he discovered a file folder in his office containing the President's estate plan, two cloth-bound notebooks with cardboard covers and lined pages containing some handwriting. Dean at that time recalled that these had come from Howard Hunt's safe. Dean did not look at the contents and cannot recall what might have been in them. He assumed it related to the Ellsberg break-in. He shredded both notebooks in his shredder.

At the same time he also discovered a pop-up address book containing some names with each page x-d out in ink. Dean threw this pop-up notebook into the waste basket at the time. These are facts, of course, which defense counsel should know about. We are apprising the Court of them at this time for that purpose. It is out belief that this does not alter our

legal argument which we will present to the Court in due course.

Thank you, Your Honor.

THE COURT: Do you wish to say anything?

MR. SACHS: At this time, no, Your Honor.

THE COURT: Mr. Shultz, I will hear from you.

MR. SHULTZ: Your Honor, my understanding of the argument today with respect to the motions filed for leave to withdraw guilty pleas is to address ourselves to the question of whether or not what we have submitted is legally sufficient either to grant the motions on the basis of the papers that have been submitted or to require a hearing. I would like to say at the outset that for possibly the first time, at least in part, we agree with the Government. We feel that based upon what has been submitted that a hearing isn't necessary either, but we feel because the motions should be granted. The affidavits which we have submitted pursuant to the Court's request and the Government's urging we feel set for the fact that these defendants, Mr. Martinez, Mr. Gonzalez, Mr. Sturgis and Mr. Barker,do have a defense to the charges themselves. In large part, the only reason and purpose for a hearing at this point would be for the Government to challenge the validity of their defense, and we think the authorities are clear in saying that in terms of ruling on a motion to withdraw and one made pre-sentence that the Court is not supposed to delve into the merits of the proffered defense. While on the

38. On June 26 or 27, 1972 Dean met with Walters and asked if there was any way the CIA could provide the bail money or pay the salaries of the persons arrested in connection with the break-in at the DNC headquarters. Walters said the CIA would do so only on a direct order from the President. According to Dean, his proposal to the CIA had previously been approved by John Ehrlichman. Dean also has testified that he reported to Ehrlichman regarding Walters' negative position on the proposal, and that he was asked by Ehrlichman to push Walters a little harder. Ehrlichman has denied receiving these reports from Dean. On June 28, 1972 at 10:45 a.m. Dean met with Ehrlichman. At 11:30 a.m. Dean telephoned Walters and asked Walters to see him in his EOB office. At this meeting Walters and Dean discussed the Dahlberg check and the Mexican checks, and Dean again asked whether the CIA could do anything to stop the FBI investigation of these checks. Walters said there was nothing his Agency could do.

Page

38.1 John Ehrlichman log, June 26-28, 1972 (received from SSC).....428

38.2 John Dean testimony, 3 SSC 945-48.....429

38.3 Vernon Walters testimony, 9 SSC 3410-12.....433

38.4 John Ehrlichman testimony, 7 SSC 2835.....436

38.5 Vernon Walters memorandum for record, June 28, 1972, SSC Exhibit No. 130, 9 SSC 3816-17.....437

38.6 Vernon Walters memorandum for record, June 29, 1972, SSC Exhibit No. 131, 9 SSC 3818.....439

38.7 Vernon Walters memorandum for record, June 29, 1972, SSC Exhibit No. 132, 9 SSC 3819-20.....440

DR

MONDAY, JUNE 26, 1972

8:00	HRH office
8:15	Roosevelt Room
10:00	Colson, MacGregor
11:00	President
12:25	John Dean
12:45	Randall Smith (publisher of National Journal)
2:30	Roosevelt Room - p.r. group
3:30	President, Shultz, Weinberger, Stein (budget)
6:00	Tennis with Hullin, Mrs. E, Hruska

TUESDAY, JUNE 27, 1972

8:00	HRH office
8:15	Roosevelt Room
9:55	President
10:00	President, Republican Members of Senate Finance Committe
12:00	Bruce Agnew (Business Week)
12:30	Fred Malek
1:00	Lunch in Mess with Jan, Pete, Barb Preve
2:00	Robert Toth (LA Times)
4:15	Klein's group of local anchormen - EOB Conference Room

WEDNESDAY, JUNE 28, 1972

8:00	HRH office
8:15	Roosevelt Room
10:45	John Dean
12:30	Joan Sullivan, Susan Engstrom (Santa Monica High School)
2:10	John Dean
2:30	President
3:45	Weinberger's office - HRH
4:55	Tennis with Vernon Jordan (Urban League), Hullin, Young
6:30	L. Patrick Gray, III, John Dean

tion I was bringing to their attention, that this information was being given to the President.

I do not recall when actually I received the first written information from the FBI, but I believe it was after July 21 when I received a summary report that had been prepared on the investigation to that stage.

I would also like to now summarize to the bottom of the page, and indicate that when——

Mr. DASH. Bottom of page 72.

Mr. DEAN. Seventy-two, correct, and indicate that after I did get possession of the documents, the FBI files, I found them not very meaningful and later Mr. Mardian, Mr. Parkinson, Mr. O'Brien came over to my office and read the reports, and Mardian, they all reached the same conclusion and I recall Mardian's reaction was that the documents indicated that the investigation was too vigorous and he was quite critical of Gray and asked me to call Gray to slow down but I never made such a call.

It was after I showed a copy of the July 21 report to Mr. Mitchell that Mardian insisted that he be permitted to see the FBI reports. Mitchell agreed, and thought that Paul O'Brien and Ken Parkinson should also see them.

I recall that when Mardian, O'Brien and Parkinson finally came to my office to look at the reports, they realized that they were not very meaningful. It was Mr. Mardian, however, who became very excited because of the scope of the investigation that Gray was conducting and the tone of the cables he was sending out of headquarters. Mardian clearly thought that Gray was being too vigorous in his investigation of the case and was quite critical of Gray's handling of the entire matter. He demanded that I tell Gray to slow down, but I never did so.

Summarizing the first paragraph on page 73, I would also note that I never showed any of these reports to any persons who were interviewed by the FBI and they were only given to Mr. Dick Moore of the White House staff when he was working on the Segretti matter for Mr. Ehrlichman and Mr. Haldeman.

I do not recall ever finding anything in the FBI reports which I scanned, that was worth reporting to Ehrlichman and Haldeman and so I never read all of the reports that were sent to me. The FBI files containing the reports never left my office, nor were they shown to anyone in the White House other than Dick Moore when Mr. Moore had been instructed to prepare a report on the Segretti incident by Ehrlichman. I never showed the reports to any of the persons who were interviewed by the FBI after their interviews.

FIRST DEALINGS WITH THE CIA

I will turn now to the first dealings I had with the CIA. It was during the meeting in Mitchell's office on June 23 or 24 that Mardian first raised the proposition that the CIA could take care of this entire mat-

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

ter if they wished, in that they had funds and covert procedures for distributing funds. I was personally unaware of the workings of the CIA, but Mardian and Mitchell appeared very knowledgeable. As a result of this conversation, which was prompted by my reporting that Gray thought the CIA might be involved Mitchell suggested I explore with Ehrlichman and Haldeman having the White House contact the CIA for assistance. It was also argued that the individuals involved in the Watergate incident, as former CIA operatives, might compromise the CIA in some manner, and the CIA should be interested in assisting.

On Monday morning, June 26, I spoke with Ehrlichman regarding this suggestion. He thought it was a good idea and worth exploring. He told me to call the CIA and explore it with them. I told him that I had never dealt with anyone at the CIA and did not know Director Helms. He told me that I should not call Helms, rather General Walters. I told him I did not know General Walters either. He then told me that he and Haldeman had had a little chat—as he called it—with Helms and General Walters a few days earlier about their dealings with the FBI in relationship to the investigation. He was not specific. He then told me that I should deal with General Walters because he was a good friend of the White House and the White House had put him in the Deputy Director position so they could have some influence over the Agency. He told me that I should tell General Walters that I was calling because he (Ehrlichman) had requested that I follow up on the earlier meeting they had and if there were any problems General Walters should call him. After my meeting with Ehrlichman, I telephoned General Walters. I told him I was calling at Ehrlichman's request on a matter relating to his previous discussions with Ehrlichman and Haldeman, and would like to have him visit with me if possible. He seemed somewhat surprised and uncertain about my call, so I told him that he might like to check with Mr. Ehrlichman. He said he would get back to me and he later called me back to set up a meeting for about noon at that day.

When General Walters came to my office I told him again that I was meeting with him at Ehrlichman's request. I made some general comments about the Watergate case. It was from my discussion as a result of general comment with Walters that I became aware of the fact that Ehrlichman and Haldeman had discussed the Dahlberg and Mexican money. We then discussed the fact that some of the leads that the FBI were pursuing were, to my understanding, were unrelated to the Watergate but could result in persons, totally uninvolved, being embarrassed. I would just like to note to counsel for the record that some of this is different from the original pagination of my draft that may have been lost through the transcribing of it here. I also told him that I understood that the FBI had developed three possible theories of the case, which I explained and then asked if, in fact, any of the men arrested were persons that were working for the CIA. General Walters assured me that they were not. I then told him that I had been asked to explore every possible means of dealing with this rather embarrassing and troublesome situation, because some of the men involved were looking for assistance. I asked him if there was any possible way the CIA could be of assistance in providing support for the individuals involved. General Walters told me that while

it could, of course, be done, he told me that he knew the Director's feelings about such a matter and the Director would only do it on a direct order from the President. He then went on to say that to do anything to compound the situation would be most unwise and that to involve the CIA would only compound the problem because it would require that the President become directly involved.

While I cannot recall in detail everything General Walters told me, I do recall that his argument was most sound and very persuasive. I told him I agreed with his position fully and I had merely been asked to explore the potential, which he very rightly stated was too great a risk. As the discussion ended I asked him that if he had any further ideas and told him I would appreciate the benefit of his thoughts. I thanked him for his coming over and his candid answers and he departed.

Subsequent to my meeting with General Walters, I reported back to Ehrlichman that Walters had informed me that any involvement by the CIA in this matter was impossible. I recall that when I reported this to Ehrlichman, he very cynically said "very interesting". He told me that I should talk with General Walters further and push him a little harder to see if the CIA couldn't help out, particularly with regard to the unnecessary pursuit of investigative leads. I also recall Ehrlichman saying something to the effect that General Walters seems to have forgotten how he got where he is today.

I would like to skip the paragraph on page 77 regarding the call from Gray, and turn to the last paragraph on 77.

> I received a phone call from Gray on June 27 in which he expressed both concern and confusion about his determining if the CIA was or was not concerned about the FBI investigation. I was also confused by Gray's call and do not recall at this time what, if anything, I did after I received it. However, I do recall that Ehrlichman had mentioned to me that he wanted Gray to deal with General Walters rather than Director Helms. Apparently this was the cause of the confusion on Gray's behalf.

On the morning of June 28 I arranged again to meet with General Walters. I was first embarrassed about requesting the meeting because he had been most explicit and convincing to me at the first meeting. I told him that I requested the meeting at Ehrlichman's behest to further discuss the problems of the Dahlberg and Mexican checks. I told him what I knew about the matters and that, to the best of my knowledge, they were not related to the Watergate incident. I then asked him if he had any suggestions. He expressed sympathy over the situation, but said there was nothing his agency could do. He again explained reasons similar to his earlier comments regarding CIA involvement and I expressed my understanding. I then asked him if he had any ideas at all and he said that it might be possible to explain the matter as an anti-Castro activity. We had some general discussion of this, but nothing concrete emerged from the discussion. Before Walters departed I assured him that I agreed that it would be most unwise to involve the CIA, and I thanked him—almost apologetically—for coming by again. At no time did I push him as I had been instructed.

At the conclusion of this meeting I was totally convinced, as I had

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

been earlier, that the CIA could not and would not be brought in to solve the problems confronting the White House and reelection committee as a result of the Watergate incident.

I subsequently informed Ehrlichman and Haldeman that unless the President directly ordered the CIA to provide support for those involved that the CIA was not going to get involved. I told them I agreed with Walters that this would be a terrible mistake and they both told me they agreed.

TRANSMITTING THE MATERIALS IN MR. HUNT'S SAFE TO THE FBI

I would now like to explain the transmitting of the materials in Hunt's safe to the FBI. As I noted earlier, shortly after the FBI interview on June 22 of Colson, and my later instructions from Ehrlichman to "Deep Six" the briefcase and shred documents, I had informed the FBI that I would forward the material found in Hunt's office. After weighing the implications of Ehrlichman's instructions to destroy the items I decided that I would not engage in any such activity myself or be pushed into it. Accordingly, I asked David Young to return the State Department cable to my office. I had already returned the briefcase from my car trunk to my office.

I received several calls from the FBI requesting the material, but I had not yet figured out how to tell Ehrlichman I was not going to destroy the material. I knew I had to develop a good argument to give Ehrlichman as to why the materials should not be destroyed. On June 25 or 26 I went to Ehrlichman to explain that I thought the men who drilled the safe had probably seen the briefcase, that the Secret Service agent who was present had probably seen some of the material; that Mr. Kehrli and Fielding had seen it—and what would happen when all those people were later asked by the FBI about the contents of the safe. Then, I said I felt we must turn over the material to the FBI. With regard to the sensitive documents, I suggested that they be given directly to Gray. I told Ehrlichman that, if ever asked under oath, I had to be able to testify that to the best of my knowledge, everything found in the safe had been turned over to the FBI.

The FBI agents came to my office, I believe on June 26 or 27. I gave them one box, which had been packed and told them that as soon as the other material was packed I would get it to them. When I got tied up in a meeting, I phoned Fielding and asked him to pack up the remainder of the materials, which I believe was the State Department cables and the briefcase. He did so and turned over the remainder of the materials, with the exception of the two envelopes which contained the politically sensitive materials I described earlier. I spoke with Ehrlichman on the 28th and informed him the material had been sent to the FBI with the exception of the politically sensitive documents. He told me he was meeting later that day with Gray and I should bring them over at that time.

I went to Ehrlichman's office just before Mr. Gray arrived. I placed the envelopes on the coffee table in his office. When Gray arrived, Ehrlichman told him that we had some material for him that had come from Hunt's safe. Ehrlichman described it as politically sensitive, but not related to the Watergate. I told Gray that Fielding and I had gone through Hunt's documents and had turned over all the materials to the agents except the documents in these two envelopes.

[The document referred to was marked exhibit No. 130.*]

Mr. DASH. After that meeting with Mr. Dean on June 26, did you report back to former Director Helms?

General WALTERS. I did. I told Mr. Helms generally what had transpired and he approved of my firm stand with Dean and I related in some detail the various matters that I had discussed with Mr. Dean and the fact that I had told Mr. Dean that no Agency assets would be compromised by the pursuit of the FBI investigation in Mexico.

Mr. DASH. I think you mentioned earlier that you did again meet with Mr. Dean. When did you next meet with Mr. Dean?

General WALTERS. On the following morning, June 27, I received another telephone call from Mr. Dean summoning me down to his office. I went down to Mr. Dean's office. I believe the time is indicated in the memorandum, 11:30 a.m.

Mr. DASH. I think 11:45 a.m.

General WALTERS. 11:45 a.m., and Mr. Dean said that the investigation was continuing, that some of the suspects were wabbling and might talk and I said, "Well, that is just too bad but it has nothing to do with us because nothing that they can say can implicate the Agency." So he again said, "Have you not discovered something about Agency involvement in this matter?" And I said, "No, I have not discovered anything about Agency involvement in this matter." He said, "Is there not something the Agency can do to help?" I said, "I do not see how we can be helpful." Then he said, "Well, would there be any way in which you could go bail or pay the salaries of these defendants while they are in jail?" And I said, "No way. To do so would implicate the Agency in something in which it is not implicated. I will have no part in this."

Again I went through the reasoning of the appalling effect it would have. I made plain to him that if the Agency were to intervene in this, it would become known in the leaking atmosphere in Washington, that it would be a total disaster, and I would like to say, if I may at this point, that I have not spent the whole of my adult life in the Central Intelligence Agency. I joined it for the first time in May of 1972. But I am convinced that an effective CIA is essential if the United States is to survive as a free and democratic society in the rough world in which we live, and I was determined that I would not see it destroyed or implicated as might be desired in this business. I further told Mr. Dean that when we expended funds, covert funds within the United States, we were required to report this to our congressional oversight committees and this seemed to cool his enthusiasm considerably. We had a few more discussions and again he asked me whether there was any way we could be helpful and I said, "No, we could not be."

Mr. DASH. Did you, by the way, at the meeting on June 28—do you have a copy of your memorandum with you?

General WALTERS. Yes, I do.

This is the meeting of the 28th or the memorandum written on the 28th?

Mr. DASH. No. The meeting of the following day, the meeting you have just testified to.

General WALTERS. On the 28th; yes, I do.

*See p. 3816.

Mr. DASH. Yes. First let me show you your copy of a memorandum you prepared on June 29 of your meeting on June 27 and ask if this is a correct copy of that meeting.

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, if we can have that marked for identification and received.

Senator ERVIN. That will be marked and appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 131.*]

Mr. DASH. All right, now General Walters, the very next day, it appears that you had another meeting with Mr. Dean.

General WALTERS. That is right.

Mr. DASH. Did you report to former Director Helms on your 27th meeting?

General WALTERS. Mr. Helms was extremely interested in this whole business and I reported to him immediately returning to the Agency on each occasion.

Mr. DASH. On the 28th when you began to write these memorandums, could you tell the committee what caused you to begin to put this down in writing?

General WALTERS. Well, as soon as he broached the question of bail and paying the salaries of these defendants, I realized that for the first time there was a clear indication that something improper was being explored, and I discussed this with Mr. Helms and we agreed, again I don't know whether he or I suggested it, that we write the memorandum, that I wrote the memorandum on these meetings and kept a record of them and that is how the memorandums came to be recorded. It will be noted I wrote practically five of them on the same day to catch up with the past.

Mr. DASH. Yes.

The meeting on the 28th it appears was a fairly significant meeting because it was a followup again of a third meeting that you had with Mr. Dean. Do you have a copy of that memorandum?

General WALTERS. Of my meeting of the 28th?

Mr. DASH. Yes; which you prepared on June 29, 1972.

General WALTERS. Yes, I do have it.

Mr. DASH. Would you read that memorandum in full, General Walters?

General WALTERS [reading]:

On 28 June at 11:30 John Dean asked me to see him at his office in the Executive Office Building. I saw him alone.

He said that the Director's meeting—

That is Director Helms' meeting—

with Patrick Gray, FBI Director, was canceled and that John Ehrlichman had suggested that Gray deal with me instead.

The problem was how to stop the FBI investigation beyond the five suspects. Leads led to two other people—Ken Dahlberg and a Mexican named Guena. Dean said that the $89,000 was unrelated to the bugging case and Dahlberg was refusing to answer questions. Dean then asked hopefully whether I could do anything or had any suggestions.

I repeated that as Deputy Director, I had no independent authority. I was not in the channel of command and had no authority other than that given me by the Director. The idea that I could act independently was a delusion and had no basis in fact.

---

*See p. 3818.

Dean then asked what might be done and I said that I realized he had a tough problem, but if there were Agency involvement, it could be only at Presidential directive and the political risks that were concomitant appeared to me to be unacceptable. At present there was a high explosive bomb but intervention such as he had suggested would transform it into a megaton hydrogen bomb. The present caper was awkward and unpleasant. Directed intervention by the Agency could be electorally mortal if it became known and the chances of keeping it secret until the election were almost nil. I noted that scandals had a short life in Washington and other newer spicier ones soon replaced them. I urged him not to become unduly agitated by this one.

He then asked if I had any ideas and I said that this affair already had a strong Cuban flavor and everyone knew the Cubans were conspiratorial and anxious to know what the policies of both parties would be toward Castro. They, therefore, had a plausible motive for attempting this amateurish job which any skilled technician would deplore. This might be costly but it would be plausible.

Dean said he agreed that this was the best tack to take but it might cost half a million dollars. He also agreed (for the second time) that the risks of Agency involvement were unacceptable. After a moment's thought he said that he felt that Gray's cancellation of his appointment with Director Helms might well be reversed in the next few hours.

Dean thanked me and I left.

Mr. DASH. First, General Walters, where was this meeting to be held on June 28 which was canceled?

General WALTERS. I did not know, Mr. Dash, I did not know what he was talking about. I presume some arrangement outside of me had been made for Director Helms to see Mr. Gray.

Mr. DASH. But in any event, as your memorandum shows, Mr. Ehrlichman had indicated he had preferred Gray meet with you on an ongoing basis.

General WALTERS. This is what Mr. Dean said.

Mr. DASH. Could you tell the committee at least what your impression was concerning that part of your memorandum—where you said this meeting is mostly concerning a Cuban conspiratorial plot and Dean's statement that he agreed that this was the best tack to take but it might cost a half million dollars.

General WALTERS. Yes, Mr. Dash.

Dean went back at this point in the conversation, as I remember it, to the three hypotheses and he was sort of saying, "Who could have done this, who could have done this." He did not indicate at any time that he knew where the origin of this was. Quite frankly at this point my principal purpose was to divert him from pursuing the option of involving the Agency in this. I had read, I believe, about that time an article in the newspaper which put out a hypothesis that the Cubans might have been at the origin of this in order to try to find out what the policies of the Democratic Party would be if it were elected in 1972. This is what I basically said to Dean, that the Cubans had a plausible motive for doing this.

Mr. Dean, obviously understood this as a suggestion of mine that he should try to blame the Cubans. In retrospect, as is so often said here from this table, I should have corrected him. Frankly, I was so relieved at seeing him apparently abandoning the idea of involving the Agency or at least retreating on the idea of involving the Agency that I did not correct his impression when he said he obviously thought I was suggesting that he could buy the Cubans.

Mr. DASH. Would that be the inference that Mr. Dean's statement that it might cost a half million dollars would actually require paying somebody off or take this position?

at this meeting, and what it was General Walters was going to go and talk to Mr. Gray about.

Senator ERVIN. I think this may be an appropriate time to recess for lunch.

Mr. WILSON. Mr. Chairman, may I inquire about the schedule. Mr. Haldeman is our next witness and I would like-to ask would you suggest that he be here at 2 o'clock? He has a statement which would take no longer than 2 hours to read and I would suggest that he read it the same day.

Senator ERVIN. I would suggest that he come in at 3 o'clock. I think we can finish with Mr. Ehrlichman at that time. I don't know whether we can or not.

[Whereupon at 12:30 p.m., the committee recessed to reconvene at 2 p.m. on the same day.]

AFTERNOON SESSION, MONDAY, JULY 30, 1973

Senator ERVIN. The committee will come to order.

Counsel will resume the interrogation of the witness.

Mr. DASH. Mr. Ehrlichman, following the meeting that you had on June 23 with Mr. Walters, Mr. Helms, and Mr. Haldeman, did you instruct Mr. Dean to contact Mr. Walters and follow up on the June 23 meeting?

Mr. EHRLICHMAN. No, sir. I simply notified Mr. Dean that there had been a meeting, that General Walters was going to be talking with Mr. Gray, and that we had indicated to General Walters that Mr. Dean would be his contact from that point forward.

Mr. DASH. Did there come a time when General Walters did call you and tell you that he was going to have a meeting or that Dean had contacted him and was it all right for him to speak to Mr. Dean?

Mr. EHRLICHMAN. It either happened that way or I told him at the time of the meeting on the 23d that Dean would be his contact, one or the other, but I am quite sure that I indicated to General Walters that Dean was the White House man who was looking after this whole subject.

Mr. DASH. Were you aware that Mr. Dean did in fact meet with General Walters on June 26?

Mr. EHRLICHMAN. No, I was not aware of those meetings.

Mr. DASH. There were a series of meetings?

Mr. EHRLICHMAN. Yes, I understand there were, and I was not aware of that series of meetings until just recently.

Mr. DASH. And Mr. Dean did not report to you on them?

Mr. EHRLICHMAN. No, he did not.

Mr. DASH. Now, on June 28, 1972, you met with Mr. Dean and Mr. Gray, and we have had some testimony on that, and on that same day you had two earlier meetings with Mr. Dean. Do you recall what the two earlier meetings were about before the meeting with Mr. Dean and Mr. Gray?

Mr. EHRLICHMAN. Not specifically. I surmised that one of them was simply an informational meeting knowing that I was about to leave town for an extended period of time. As I recall, there was a conversation and whether it was by meeting or whether it was by telephone, I cannot recall, but on the same day that we met with Pat Gray I am

EXHIBIT NO. 130

28 June 1972

MEMORANDUM FOR RECORD

On 26 June at about 10:00 a.m. I received a phone call from Mr. John Dean at the White House. He said he wished to see me about the matter that John Ehrlichman and Bob Haldeman had discussed with me on the 23rd of June. I could check this out with them if I wished. I agreed to call on him in his office in Room 106 at the Executive Office Building at 1145 that morning. Immediately after hanging up, I called Ehrlichman to find out if this was alright and after some difficulty I reached him and he said I could talk freely to Dean.

At 1145 I called at Dean's office and saw him alone. He said that the investigation of the Watergate "bugging" case was extremely awkward, there were lots of leads to important people and that the FBI which was investigating the matter was working on three theories:

1. It was organized by the Republican National Committee.
2. It was organized by the CIA.
3. It was organized by some other party.

I said that I had discussed this with Director Helms and I was quite sure that the Agency was not in any way involved and I knew that the Director wished to distance himself and the Agency from the matter. Dean then asked whether I was sure that the Agency was not involved. [ ] I said that I was sure that none of the suspects had been on the Agency payroll for the last two years.

Dean then said that some of the accused were getting scared and "wobbling". I said that even so they could not implicate the Agency. Dean then asked whether there was not some way that the Agency could pay bail for them (they had been unable to raise bail). He added that it was not just bail, that if these men went to prison, could we (CIA) find some way to pay their salaries while they were in jail out of covert action funds.

35-780 O - 74 - 29

I said that I must be quite clear. I was the Deputy Director and as such had only authority specifically delegated to me by the Director and was not in the chain of command but that the great strength of the Agency and its value to the President of the nation lay in the fact that it was apolitical and had never gotten itself involved in political disputes. Despite the fact that I had only been with the Agency a short time, I knew that the Director felt strongly about this.

I then said that big as the troubles might be with the Watergate Affair, if the Agency were to provide bail and pay salaries, this would become known sooner or later in the current "leaking" atmosphere of Washington and at that point the scandal would be ten times greater as such action could only be done upon direction at the "highest level" and that those who were not touched by the matter now would certainly be so.

Dean seemed at first taken aback and then very much impressed by this argument and said that it was certainly a very great risk that would have to be weighed. I repeated that the present affair would be small potatoes compared to what would happen if we did what he wanted and it leaked. He nodded gravely.

I said that, in addition, the Agency would be completely discredited with the public and the Congress and would lose all value to the President and the Administration. Again he nodded gravely.

He then asked if I could think of any way we (CIA) could help. I said I could not think of any but I would discuss the matter with the Director and would be in touch with him. However, I felt that I was fully cognizant of the Director's feelings in this matter. He thanked me and I left.

Vernon A. Walters
Lieutenant General. USA

EXHIBIT NO. 131

29 June 1972

MEMORANDUM FOR RECORD

At 1145 on 27 June 1972, I saw John Dean at his office in the Executive Office Building.

I told him that I had spoken to Director Helms and found that what I had said to Dean the previous day did indeed reflect Helms' views accurately. That he felt any involvement of the Agency would be most counter productive and furthermore, we had a legislative constraint about the expenditure of our funds within the United States. We had to clear them with the Chairmen of the CIA Oversight Committees in both House and Senate. This visibly lessened his enthusiasm.

I then repeated my arguments that this caper while presently seeming very large would be overtaken by other spicier developments. Unfortunate though its consequences might be currently, Agency involvement by direction at the highest level would undoubtedly become known sooner or later and would then reach to people who were still uninvolved. He nodded. I said that my mind boggled that such risks as those involved in this caper could have been taken for such an unremunerative target. Involving the Agency would transform what was now a medium-sized conventional explosive into a multi-megaton explosion and simply was not worth the risk to all concerned.

Dean thanked me looking glum and said he agreed with my judgment in all of these matters.

Vernon A. Walters
Lieutenant General, USA

EXHIBIT NO. 132

29 June 1972

MEMORANDUM FOR RECORD

On 28 June at.1130 John Dean asked me to see him at his office in the Executive Office Building. I saw him alone.

He said that the Director's meeting with Patrick Gray, FBI Director, was cancelled and that John Ehrlichman had suggested that Gray deal with me instead.

The problem was how to stop the FBI investigation beyond the five suspects. Leads led to two other people -- Ken Dahlberg and a Mexican named Guena. Dean said that the $89,000 was unrelated to the bugging case and Dahlberg was refusing to answer questions. Dean then asked hopefully whether I could do anything or had any suggestions.

I repeated that as Deputy Director, I had no independent authority. I was not in the channel of command and had no authority other than that given me by the Director. The idea that I could act independently was a delusion and had no basis in fact.

Dean then asked what might be done and I said that I realized he had a tough problem, but if there were Agency involvement, it could be only at Presidential directive and the political risks that were concomitant appeared to me to be unacceptable. At present there was a high explosive bomb but intervention such as he had suggested would transform it into a megaton hydrogen bomb. The present caper was awkward and unpleasant. Directed intervention by the Agency could be electorally mortal if it became known and the chances of keeping it secret until the election were almost nil. I noted that scandals had a short life in Washington and other newer spicier ones soon replaced them. I urged him not to become unduly agitated by this one.

He then asked if I had any ideas and I said that this affair already had a strong Cuban flavor and everyone knew the Cubans were conspiratorial and anxious to know what the policies of both parties would be towards Castro. They, therefore, had a plausible motive for attempting this amateurish job which any skilled technician would deplore. This might be costly but it would be plausible.

Dean said he agreed that this was the best tack to take but it might cost half a million dollars. He also agreed (for the second time) that the risks of agency involvement were unacceptable. After a moment's thought he said that he felt that Gray's cancellation of his appointment with Director Helms might well be reversed in the next few hours.

Dean thanked me and I left.

Vernon A. Walters
Lieutenant General, USA

39. On the morning of June 27, 1972 Gray met with Mark Felt and Charles Bates of the FBI to receive a briefing on the latest Watergate break-in developments. During that briefing Dean telephoned Gray. Gray has testified that in the ensuing conversation he told Dean that if Dahlberg continued to evade the FBI, Dahlberg would be called before a grand jury. Gray also has testified that he asserted to Dean the importance of an aggressive FBI investigation to determine the motive and identity of all persons involved.

On June 27, 1972 CIA Director Helms received a memorandum from the Chief of the Western Hemisphere Division of the CIA stating that there were no CIA traces on Manuel Ogarrio and that the CIA's last contact with a person named Kenneth Dahlberg occurred in 1961 and concerned the manufacturing of a hearing aid for a high level Peruvian. Later that day, Helms told Gray that the CIA had no interest in Ogarrio. Helms confirmed with Gray their plan to meet the following day.

Page

39.1 Memorandum from CIA Western Hemisphere Chief to Director Helms, June 27, 1972 (received from CIA).....444

39.2 L. Patrick Gray log, June 27, 1972, 1-2 (received from SSC).....445

39.3 L. Patrick Gray testimony, 9 SSC 3454.....447

27 June 1972

39.1 CIA WESTERN HEMISPHERE CHIEF MEMORANDUM, JUNE 27, 1972

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Mr. Manuel Ogarrio Daguerre and
Mr. Kenneth Harry Dahlberg

1. The information contained in paragraph 2 is for your information.

2. In response to your 27 June 1972 request for traces, the following is submitted:

a. Manuel Ogarrio Daguerre has an office on 156 Paseo de la Reforma in Mexico City. This office is located in the same building as the Banco Internacional of Mexico City. His home address is Cerro de Maika 310, Mexico City. There are no CIA traces on Manuel Ogarrio Daguerre. This man is listed in the Mexico City telephone directory.

b. Kenneth Harry Dahlberg. The Office of Security gave DCS an approval on 13 July 1965 to contact Kenneth Harry Dahlberg. Security File No. EE 30944 indicates Dahlberg was born on 30 June 1917 in St. Paul, Minnesota. Discussions with DCS reveal Kenneth Harry Dahlberg is president of Dahlberg Company, 7731 Country Club Drive, Minneapolis, which manufactures hearing aids. CIA's last recorded contact with Dahlberg was in May 1961 when he worked on a hearing aid for a high level Peruvian. The cards indicate there was interest in recontacting Dahlberg in April 1965, but there is no record if he was contacted. The Dahlberg file is in Archives and will be available to us on 28 June 1972. The FBI wanted traces on Kenneth Dahlberg. Thus it is not clear if Kenneth Dahlberg, who is of interest to the FBI is identical with Kenneth Harry Dahlberg who was in touch with CIA. 101461
[Comment: Kenneth Harry Dahlberg originally contacted CIA in 1958 on radio matters, not further specified. There is an outside chance that radio matters could be tied to audio operations.] Additional conversations with the FBI on the working level will be needed to sort out the various interests in the name Kenneth Dahlberg.

17

Chief, Western Hemisphere Division
SECRET/SENSITIVE
EYES ONLY

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY.

DR

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE TUES., JUNE 27, 1972

Time	Caller	VIA	Action	Initials
9 06	MR. CALLAHAN	PERS	SAW MR. GRAY	RET
9 15	MR. FELT & MR. GATES	PERS	SAW MR. GRAY	RET
9 [illegible]	MR. JOHN W. DEAN III	TELE	SPOKE TO MR. GRAY	RET
9 57	SA ROBERT K. WESLEY	PERS	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
10 00	MR. ROBERT JOSEPH HAGEN	PERS	SAW MR. GRAY	RET
	WIFE, 2 DAUGHTERS, 1 SON			
	BUREAU PHOTOGRAPHER			
10 07	SEN. LOWELL P. WEICKER, JR.	TELE	SPOKE TO MR. GRAY	RET
10 16	"HARTFORD COURANT" MR. ROBERT WATERS	PERS	SAW MR. GRAY	RET
11 11	SA ALBERT P. GUNSSER	PERS	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
11 19	SA LYLE D. HUNZEKER	PERS	SAW MR. GRAY	RET
	BUREAU PHOTOGRAPHER			
11 19	MR. GRAY	TELE	SPOKE TO MR. RICHARD HELMS, CIA	RET
11 36	MR. WILLIAM KERESEY	PERS	SAW MR. GRAY	RET
	MR. ALVIN ROSAL			
1 17	MR. ROSS PEROT	TELE	RED MR. BISHOP	RET
	(CONTINUED ON NEXT PAGE)			

DIRECTOR:	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -

DR

45

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

DR

PAGE 2

FILE Watergate

DATE Tuesday, JUNE 27, 1972

Time	Caller	VIA	Action	Initials
1 37	Miss Nina Totenberg	Tele	Left word	PEG
2 45	Mr. Gray	Tele	Spoke to Asst. A.G. Henry Petersen	REG
2 31	(Committee for Public Justice) Messrs. Norman Dorsen,	Pers	Saw Mr. Gray	PEG
	Dugene Lockard &			
	Burke Marshall			
	Mr. Hermstein & Ms. Herring			
3 40	Director Richard Helms	Tele	Spoke to Mr. Gray	PEG
3 47	Mr. John W. Dean, III	Tele	Spoke to Mr. Gray	LEG RET
3 52	Mr. Callahan	Pers	Saw Mr. Gray	RET
	Mr. Richard Glavin			
5 07	Mr. Chuck Lichenstein	Pers	Saw Mr. Gray	REG
	Mr. Remi Nadeau			
	(A Fred) Stukenbroeker			
9 30	Office Closed			REG

DIRECTOR:	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -

DR

446

mentioned in connection with the CIA situation. It is my best recollection, however, that they were and I undoubtedly told him that we would continue our peripheral investigation because of the apparently inconsistent reports I had received from Helms and Walters. He requested that we not conduct any interviews that would expose CIA sources in connection with our investigation into the source of the $114,000 in checks that were deposited in Mr. Barker's bank account. Again I told Mr. Dean that we would hold off temporarily with interviews of Ogarrio and work around this problem to determine what we were encountering.

On Tuesday morning, June 27, 1972, I met with Mr. Bates and Mr. Mark Felt, Acting Associate Director, to receive a briefing on the latest developments. While they were in the office Mr. Dean called. The call involved establishing the chain of custody for the contents of Howard Hunt's safe and his providing us with photographs of certain White House staff members to aid us in identifying an individual who had been with Mr. Hunt at the Miami Playboy Club in December of 1971. In this conversation I also told Mr. Dean that if Mr. Dahlberg continued to evade us he would be called before the grand jury. Although I cannot pinpoint the exact telephone conversation, I believe that by this date Mr. Dean had requested that Mr. Dahlberg not be interviewed because of alleged CIA interest in him.

In this same conversation, I also told Mr. Dean that it was extremely important that the FBI continue its aggressiveness until we determine the motive, reasons, and identity of all persons involved. I said that I might be called upon at a later date to testify before congressional committees and we could not have the FBI accused of not pursuing this case to the end.

Following the briefing by Mr. Felt and Mr. Bates and as an outgrowth of it, I telephoned Director Helms of the CIA and asked him to tell me specifically if the CIA had any interest in Mr. Ogarrio that would prevent us from interviewing him and also asked that he and General Walters meet the following day at 2:30 p.m. in my office with me, Mr. Felt, and Mr. Bates to review our respective positions in this investigation. Director Helms told me that he would have to check to determine whether the CIA had any interest in Mr. Ogarrio and would call me later. I advised Mr. Felt of this meeting and also asked that he notify Mr. Bates. Director Helms called me back later that afternoon, told me the CIA had no interest in Mr. Ogarrio, and confirmed our meeting for the next day.

Just 7 minutes after Director Helms' call to me, Mr. Dean called me at 3:47 p.m., and although I cannot be absolutely certain, I believe this was a call again requesting me to hold off interviewing Mr. Ogarrio and Mr. Dahlberg because of CIA interest in these men. I cannot recall if I told him that I had just talked to Director Helms who informed me that CIA had no interest in Mr. Ogarrio and that I was going to order that Mr. Ogarrio be interviewed. I seem to remember that Mr. Dean said to me that these men have absolutely nothing to do with Watergate, but I cannot remember whether he said this to me in this conversation or in earlier conversations.

On Wednesday, June 28, 1972, at 10:25 a.m., Mr. Dean telephoned me and talked about rumors of leaks from the FBI, the material from Hunt's safe previously delivered to the FBI, rumors of a slowdown in

40. On June 28, 1972 at 10:25 a.m. Dean telephoned L. Patrick Gray about rumors of leaks from the FBI, the material from Hunt's safe, a slowdown in the investigation, and the tracing of the Mexican money. According to Gray, he may have told Dean during this conversation of the meeting he had scheduled with Helms for 2:30 p.m. that day. At 10:45 a.m. Dean met with John Ehrlichman. At 10:55 a.m. Ehrlichman telephoned Gray. Gray has testified that when he returned the call at 11:17 a.m., Ehrlichman said, "Cancel your meeting with Helms and Walters today; it is not necessary." At 11:23 a.m. Gray called Helms to cancel their meeting. Helms asked Gray to call off interviews which the FBI had scheduled with two CIA employees. (In July 1971, pursuant to a request from Ehrlichman to Deputy CIA Director Robert Cushman, the two CIA employees had provided Howard Hunt with disguises, hidden cameras, and other material for use in domestic clandestine operations. In requesting CIA assistance for Hunt, Ehrlichman had told Cushman that Hunt "has been asked by the President to do some special consulting work on security problems.")

Page

40.1 L. Patrick Gray log, June 28, 1972, 1-2 (received from SSC).....451

40.2 L. Patrick Gray testimony, 9 SSC 3454-55.....453

40.3 John Ehrlichman log, June 28, 1972 (received from SSC).....455

40.4 John Ehrlichman testimony, 6 SSC 2562-63.....456

40.5 Richard Helms testimony, 8 SSC 3241.....458

40.6 Memorandum from Richard Helms to Vernon Walters, June 28, 1972 (received from CIA).....459

40.7 CIA employee affidavit, May 18, 1973 (received from CIA).....460

40.8 Partial transcript of telephone call from John Ehrlichman to General Robert Cushman, July 7, 1971, and accompanying affidavit of CIA employee, February 5, 1974 (received from CIA).....467

DR

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

DATE WED., JUNE 28, 1972

Time	Caller	VIA	Action	Initials
8 39	MR. GRAY	TELE	ASST. AG HENRY PETERSEN — OUT — LEFT WORD	REJ
9 07	ASST. AG HENRY PETERSEN	TELE	SPOKE TO MR. GRAY	REJ
9 45	MR. GRAY	TELE	SPOKE TO SEN. ROMAN HRUSKA	REJ
9 52	MR. GRAY	TELE	SPOKE TO CONG. DON EDWARDS	REJ
9 55	MR. ARMSTRONG	PERS	SAW MR. GRAY	REJ
9 59	MR. GRAY	TELE	HARTFORD (CT.) NBT. LO — SPOKE TO MR. WOERHEIDE	REJ
10 05	MRS. MOZELLE N. WOLF	PERS	SAW MR. GRAY	REJ
	CURRENT PHOTOGRAPHER			
10 12	SA ROBERT L. HOLLOWAY	PERS	SAW MR. GRAY	REJ
	WIFE, SON & 2 DAUGHTERS			
	CURRENT PHOTOGRAPHER			
10 17	MRS. GERALDINE ROBERSON	PERS	SAW MR. GRAY	REJ
	& HUSBAND			
	CURRENT PHOTOGRAPHER			
10 05	MRS. MILDRED M. FOWLER	PERS	SAW MR. GRAY	REJ
	CURRENT PHOTOGRAPHER			
10 20	SA EARL H. WILLIAMS	PERS	SAW MR. GRAY	REJ
	CURRENT PHOTOGRAPHER			
10 25	MR. JOHN J. DEAN III	TELE	SPOKE TO MR. GRAY	REJ
	(CONTINUED ON	NEXT PAGE)		

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

DR

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

DR

PAGE 2

FILE Watergate

DATE Wed., June 28, 1972

Time	Caller	VIA	Action	Initials
10 45	(St. Louis "Globe-Democrat") Mr. Edward W. O'Brien	Tele	Saw Mr. Gray	REI
10 55	Mr. John Ehrlichman	Tele	Mr. Gray NA - Left word to RC	REI
11 17	Mr. Gray	Tele	Spoke to Mr. John Ehrlichman	REI
11 23	Mr. Gray	Tele	Spoke to Mr. Edward Helms, CIA	REI
2 16	Mr. Gray	Tele	Left word for Mr. Glen Elsasser	REI
2 19	Mr. Gray	Tele	Spoke to Admiral William C. Mott	REI
2 38	Mr. Gray	Tele	Left word for Mr. Creed Black	REI
2 55	Mr. Felt & Mr. Bates	Pers	Saw Mr. Gray	REI
3 32	("Chicago Tribune") Mr. Glen Elsasser	Tele	Spoke to Mr. Gray	REI
3 40	Executives Conference	—	———	REI
3 58	Mr. John W. Dean III	Tele	Mr. Gray NA - Left word to RC	REI
4 35	Mr. Gray	Tele	Spoke to Mr. John W. Dean III	REI
4 55	Supt. Thomas J. Jenkins	Pers	Saw Mr. Gray	REI
5 13	SA John B. Hotis	Pers	Saw Mr. Gray	REI
6 10	Mr. Gray	Tele	Spoke to SA John B. Hotis	REI
6 44	Mr. Gray	Tele	Spoke to SAC William M. Mooney	REI
9 31	Office Closed			REI

DIRECTOR:	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -

DR

mentioned in connection with the CIA situation. It is my best recollection, however, that they were and I undoubtedly told him that we would continue our peripheral investigation because of the apparently inconsistent reports I had received from Helms and Walters. He requested that we not conduct any interviews that would expose CIA sources in connection with our investigation into the source of the $114.000 in checks that were deposited in Mr. Barker's bank account. Again I told Mr. Dean that we would hold off temporarily with interviews of Ogarrio and work around this problem to determine what we were encountering.

On Tuesday morning, June 27, 1972, I met with Mr. Bates and Mr. Mark Felt, Acting Associate Director, to receive a briefing on the latest developments. While they were in the office Mr. Dean called. The call involved establishing the chain of custody for the contents of Howard Hunt's safe and his providing us with photographs of certain White House staff members to aid us in identifying an individual who had been with Mr. Hunt at the Miami Playboy Club in December of 1971. In this conversation I also told Mr. Dean that if Mr. Dahlberg continued to evade us he would be called before the grand jury. Although I cannot pinpoint the exact telephone conversation, I believe that by this date Mr. Dean had requested that Mr. Dahlberg not be interviewed because of alleged CIA interest in him.

In this same conversation, I also told Mr. Dean that it was extremely important that the FBI continue its aggressiveness until we determine the motive, reasons, and identity of all persons involved. I said that I might be called upon at a later date to testify before congressional committees and we could not have the FBI accused of not pursuing this case to the end.

Following the briefing by Mr. Felt and Mr. Bates and as an outgrowth of it, I telephoned Director Helms of the CIA and asked him to tell me specifically if the CIA had any interest in Mr. Ogarrio that would prevent us from interviewing him and also asked that he and General Walters meet the following day at 2:30 p.m. in my office with me, Mr. Felt, and Mr. Bates to review our respective positions in this investigation. Director Helms told me that he would have to check to determine whether the CIA had any interest in Mr. Ogarrio and would call me later. I advised Mr. Felt of this meeting and also asked that he notify Mr. Bates. Director Helms called me back later that afternoon, told me the CIA had no interest in Mr. Ogarrio, and confirmed our meeting for the next day.

Just 7 minutes after Director Helms' call to me, Mr. Dean called me at 3:47 p.m., and although I cannot be absolutely certain, I believe this was a call again requesting me to hold off interviewing Mr. Ogarrio and Mr. Dahlberg because of CIA interest in these men. I cannot recall if I told him that I had just talked to Director Helms who informed me that CIA had no interest in Mr. Ogarrio and that I was going to order that Mr. Ogarrio be interviewed. I seem to remember that Mr. Dean said to me that these men have absolutely nothing to do with Watergate, but I cannot remember whether he said this to me in this conversation or in earlier conversations.

On Wednesday, June 28, 1972, at 10:25 a.m., Mr. Dean telephoned me and talked about rumors of leaks from the FBI, the material from Hunt's safe previously delivered to the FBI, rumors of a slowdown in

35-780 O - 74 - 30

the FBI, and leaks from the FBI concerning the tracing of the $114,000. Once again I believe there was some discussion about Ogarrio and Dahlberg and it is my recollection that I was asked if I had ordered the interviews of Ogarrio and Dahlberg. I replied that I had either ordered or was going to order the interview of Ogarrio. In this discussion, I may have told Mr. Dean that I had arranged to meet with Director Helms and Deputy Director Walters at 2:30 p.m. that afternoon to try to get this CIA situation resolved, but I cannot be positive that I did.

At 10:55 a.m. on this same day Mr. Ehrlichman called me. I was not available, but I returned his call at 11:17 a.m. His first words, issued abruptly, were: "Cancel your meeting with Helms and Walters today; it is not necessary." I asked him for his reasons and he simply said that such a meeting is not necessary. I then asked him point blank who was going to make the decisions as to who is to be interviewed. He responded, "You do."

I then telephoned Director Helms to tell him that I was canceling our meeting. I also advised Messrs. Felt and Bates of the cancellation, but stated that the three of us would meet. In this same conversation with me, Director Helms requested that we not interview active CIA men Karl Wagner and John Caswell. I passed this information to Mr. Felt and instructed that these men not be interviewed. Before orders could get to the field, however, Mr. Caswell had already been interviewed.

I met with Mr. Felt and Mr. Bates in my office at 2:30 p.m. on this Wednesday afternoon, June 28, to review the CIA situation. In this meeting I was brought up to date on all the latest developments in the case. I can recall specifically discussing with them the alleged compartmentalization at CIA where the right hand is not supposed to know what the left is doing in sensitive operations and asked if this could occur. We agreed that it was possible, but unlikely in the absence of some special White House interest in the highest classification of national security interests where the need to know was rigidly controlled.

Mr. Bates pointed out that under no circumstances should we back off any investigation at the request of CIA without forcing them to reveal completely their interest in this matter. We all agreed that the FBI's reputation was at stake and I assured them that I would not hold back the FBI in this investigation at anyone's request, including the President of the United States, in the absence of overriding and valid considerations. I told them that if I were ordered to do so without valid reasons, I would resign.

It was in this meeting that I believe I gave Mr. Felt and Mr. Bates instructions to go ahead with the interview of Mr. Ogarrio and to continue our efforts to locate and interview Mr. Dahlberg.

At 3:58 p.m., June 28, Mr. Dean called and I was not available. I returned the call at 4:35 p.m. and I believe now that this call involved a request by Mr. Dean to hold up on the interview of Miss Kathleen Chenow for alleged reasons of national security until she returned from her vacation in England. I'm sure I said we would hold up for the time being but she would have to be interviewed soon. I can recall saying that we will interview her in England unless she returns from vacation at an early date. Mr. Dean gave me her address

40.3 JOHN EHRLICHMAN LOG, JUNE 28, 1972

MONDAY, JUNE 26, 1972

8:00	HRH office
8:15	Roosevelt Room
10:00	Colson, MacGregor
11:00	President
12:25	John Dean
12:45	Randall Smith (publisher of National Journal)
2:30	Roosevelt Room - p.r. group
3:30	President, Shultz, Weinberger, Stein (budget)
6:00	Tennis with Hullin, Mrs. E, Hruska

TUESDAY, JUNE 27, 1972

8:00	HRH office
8:15	Roosevelt Room
9:55	President
10:00	President, Republican Members of Senate Finance Committe
12:00	Bruce Agnew (Business Week)
12:30	Fred Malek
1:00	Lunch in Mess with Jan, Pete, Barb Preve
2:00	Robert Toth (LA Times)
4:15	Klein's group of local anchormen - EOB Conference Room

WEDNESDAY, JUNE 28, 1972

8:00	HRH office
8:15	Roosevelt Room
10:45	John Dean
12:30	Joan Sullivan, Susan Engstrom (Santa Monica High School)
2:10	John Dean
2:30	President
3:45	Weinberger's office - HRH
4:55	Tennis with Vernon Jordan (Urban League), Hullin, Young
6:30	L. Patrick Gray, III, John Dean

Mitchell to do this. I had in effect set this up without knowing it by telling Walters that Dean was his White House contact from that day forward. But I did not know about these conversations.

Mr. THOMPSON. Dean did not report back to you?

Mr. EHRLICHMAN. Not about that; no, sir.

Mr. THOMPSON. Did you have occasion to call Mr. Gray to call off a meeting which he and Walters scheduled on June 28, to tell him that the meeting would no longer be necessary, that matters had been worked out some way?

Mr. EHRLICHMAN. Well, I didn't realize that I had canceled it. My strong concern about that meeting was that it was going to include some staff members from the FBI and as I say, we were experiencing these leak problems and right at that particular time, one of the people who would have been included in that meeting was under very strong suspicion as being the source of that leak. We had had independent information which we were talking to Mr. Kleindienst about, about that specific individual and it appeared that this whole thing was going to include him. So that was the reason for my call.

Mr. THOMPSON. Did you ask precisely who would be in attendance at the meeting?

Mr. EHRLICHMAN. Yes. Well, I don't know as I asked him. I think I was told. As a matter of fact, I think Mr. Dean told me.

Mr. THOMPSON. Did you tell Mr. Gray of your suspicions or concerns about the individual?

Mr. EHRLICHMAN. Not at that time.

Mr. THOMPSON. Why?

Mr. EHRLICHMAN. Because at that time, we were talking with Mr. Kleindienst about how to go about smoking out this problem around Mr. Gray, frankly.

Mr. THOMPSON. Why?

Mr. EHRLICHMAN. Why?

Mr. THOMPSON. Why around Mr. Gray?

Mr. EHRLICHMAN. Because Mr. Gray at that time was not acknowledging the problem.

Mr. THOMPSON. You had spoken to him about it?

Mr. EHRLICHMAN. Oh, I had spoken to him about the leaks. I hadn't spoken to him about this specific man in this specific meeting until this call. Mr. Kleindienst and I discussed on several occasions how we might go about determining the source of the leak. He proposed the idea of planting a story or a set of circumstances and seeing if it turned up and this kind of thing. So we were dealing with the Attorney General on that.

Mr. THOMPSON. Did you talk to Walters about this meeting?

Mr. EHRLICHMAN. I don't believe so. I don't believe I talked to John Walters again——

Mr. THOMPSON. Could not Gray and Walters have had a meeting, the two of them, to solve the problem?

Mr. EHRLICHMAN. Yes, that was the whole idea.

Mr. THOMPSON. Was that suggested?

Mr. EHRLICHMAN. That was suggested in the inception.

Mr. THOMPSON. You didn't tell him that the meeting would not be necessary?

Mr. EHRLICHMAN. I don't recall what I told him, except that——

Mr. THOMPSON. It would be inconsistent with your desire to solve the matter, I assume, as to whether or not there was CIA involvement.

Mr. EHRLICHMAN. Well, whatever I told him was for the purpose of not having staff meetings on this particular subject. I can't tell you precisely what I told him.

Mr. THOMPSON. Going back to July of 1971, July 7, 1971, did you call Deputy Director Cushman and ask him to give Mr. Hunt assistance in his activities at that time?

Mr. EHRLICHMAN. No, I have been asked many times about that telephone call and I simply have no recollection of having made that call.

Mr. THOMPSON. Did you know what Mr. Hunt was doing during that period of time? Were you informed?

Mr. EHRLICHMAN. I knew from my one meeting with Mr. Colson and Mr. Hunt jointly what he was supposed to be doing, yes.

Mr. THOMPSON. What was he doing?

Mr. EHRLICHMAN. He was supposed to be engaged in an analysis of the Pentagon Papers and in determining their accuracy, whether or not they were in fact complete accounts of the events which took place or whether they were edited, tailored accounts which did not include the complete facts.

Mr. THOMPSON. In June, when you were talking to Helms and Walters about the possible CIA problem or uncovering some collateral CIA activity, this all evolved around the so-called Mexican money problem, I assume, is that correct?

Mr. EHRLICHMAN. Well, it was much broader than that. It was any unassociated CIA activity.

Mr. THOMPSON. Well, what brought it to anyone's attention? I thought it was the so-called Barker money that had come from Mexico.

Mr. EHRLICHMAN. You mean that precipitated the meeting?

Mr. THOMPSON. Yes.

Mr. EHRLICHMAN. No, it was a much broader concern than that, and it included, as I said, the question of direct involvement, it included whatever exposure there might be for any CIA activity. I think the Mexican money or the Florida bank account or whatever, which involved one of these people who had been a former CIA agent or client or whatever they call them, was raised as an example in the meeting by one of us as the kind of thing that the President evidently was concerned about. And it was discussed as a specific example. But the meeting was by no means limited to that.

Mr. THOMPSON. Can you recall any other specific examples that were discussed?

Mr. EHRLICHMAN. Bay of Pigs.

Mr. THOMPSON. How did that come in?

Mr. EHRLICHMAN. Well, because apparently, the President had specifically mentioned the Bay of Pigs to Bob Haldeman in suggesting the meeting, and then he mentioned it to me again in July as the kind of thing that apparently, CIA might be embarrassed about, that some of the people who were involved in Watergate, apparently, had been involved in the Bay of Pigs and accordingly, whether there was any CIA exposure still existing.

Mr. HELMS. It is my recollection that it was at the meeting of the 27th, which was Tuesday, I believe, that the issue first came up of whether or not the CIA, out of its covert funds, was prepared to provide bail money for the defendants in the Watergate burglary. Not only did this issue come up, but I also believe that the additional point was made would it be possible for the CIA to pay the salaries of these individuals while they served their jail sentences. General Walters, and I have told you about the conversation I had with General Walters the day before about how he was to guide himself in this matter, pointed out to Mr. Dean that the Agency could not possibly do anything like that. That he had no authority to do it on his own, that his authority is derived from me and that he knew what my position was, and in addition, he said he could not conceivably imagine that a thing like that would remain secret forever, and last but not least, under the ground rules which we operate with the Congress, or which the Agency operates with the Congress of the United States, any exceptional expenditure of this kind would have to be identified with the chairman of the Senate Appropriations Committee and the chairman of the House Appropriations Committee. This obviously cooled Mr. Dean's ardor.

Mr. DORSEN. And it was so reported to you?

Mr. HELMS. Yes.

Mr. DORSEN. During the week of the 26th did you receive a telephone call from Patrick Gray with respect to setting up a meeting between representatives of the two agencies?

Mr. HELMS. Yes, I do recall a conversation to set up a meeting because I was anxious to have one with him. There were a lot of traces we were running, the involvement of these former CIA people that we had been passing to the FBI, there was starting to be a lot of leaks out of the FBI for the first time that I could remember on matters of this kind but leaks of ongoing operational material, and I wanted to get together with him and some of his people to see if we could not get some of these things not straightened out so much as get to walking along in harmony.

So we agreed to have the meeting the next day. The next morning, which I believe was the 28th, I may be mistaken, it is all in the record, I am sure, he called back and said that he was so busy that he could not make the meeting, it was not possible for him to hold it and he would probably have to put it off until the following week. I told him I was sorry about that because I was planning to leave the end of the week in which we are speaking to go to Australia and that I was not going to be there the following week, if he had a meeting, it was going to have to be with General Walters.

Mr. DORSEN. Now, may I ask you about the second two meetings on the 27th and 28th between General Walters and Mr. Dean? Did the summary that you gave us apply to the two meetings together or was that solely with respect to the meeting of the 27th?

Mr. HELMS. I am not able any longer, Mr. Counsel, to sort out precisely what, out of my own memory what occurred at each of these meetings. I have two very clear recollections, one was that it was at the second meeting that the question of the bail money came up because I don't recall that at all in connection with my longer conversation with General Walters after the first meeting. As far as the third meet-

EYES ONLY

DV

28 June 1972

MEMORANDUM FOR: Deputy Director

SUBJECT: Watergate Affair

1. Acting Director Gray of the FBI 'phoned me this morning to cancel our meeting scheduled for 2:30 this afternoon. He indicated that he would not be able to get together until next week. I informed him that I would be away but that you would be available with and for any such meeting. I did, however, use the opportunity of this call to make two points to Acting Director Gray: 1) That I would appreciate his calling off interviews with 13 and 18 (this he agreed to do); and 2) that Kenneth Harry Dahlberg was no agent of the CIA and that we had no ties to him. I stated that our last verifiable contact with him was in May 1961. Acting Director Gray confirmed that this is the same Kenneth Dahlberg about whom he was inquiring as soon as I identified the gentleman as the President of Dahlberg Company in Minneapolis.

100096

2. I informed and this morning, in preparation for the scheduled meeting this afternoon, that the Agency is attempting to "distance itself" from this investigation and that I wanted them along as "reference files" to participate in the conversation when requested. I told them that I wanted no free-wheeling exposition of hypotheses or any effort made to conjecture about responsibility or likely objectives of the Watergate intrusion. "In short, at such a meeting, it is up to the FBI to lay some cards on the table. Otherwise, we are unable to be of help. In addition, we still adhere to the request that they confine themselves to the personalities already arrested or directly under suspicion and that they desist from expanding this investigation into other areas which may well, eventually, run afoul of our operations."

3. This brings you up-to-date as of 3:00, 28 June.

Richard Helms
Director

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY. PARTS OF THE ABOVE MATERIAL WERE DELETED BY THE CIA WHEN IT WAS RECEIVED BY THE COMMITTEE ON THE JUDICIARY.

AFFIDAVIT

STATE OF VIRGINIA)
) ss.
COUNTY OF FAIRFAX)

I, 13 being first duly sworn, state:

1. I was born on 8 March 1924 in Milwaukee, Wisconsin. After serving as an Army officer in World War II and completing my college education, I joined the Central Intelligence Agency in October 1950. I have held the position of Executive Assistant to the Deputy Director of Central Intelligence since November 1969.

2. On 22 July 1971 Mr. E. Howard Hunt, a former Agency employee who had joined the White House staff, called on the Deputy Director of Central Intelligence, General Cushman. I was present in the room because General Cushman usually asked me to sit in on his meetings. When Mr. Hunt arrived he said that he wanted to talk to General Cushman privately and I withdrew. 101076

3. Later that day General Cushman told me that Mr. Hunt had asked for some help (of an unspecified nature), that he (General Cushman) had checked it out and that it was all right, and that he had told Mr. Hunt to get in touch with me to obtain the assistance. Mr. Hunt called me later in the day and requested aid in obtaining a physical disguise and "pocket litter" documentation in alias to assist him in connection with an extremely sensitive project, which he could not further discuss, and which had been approved by Mr. Ehrlichman. Under these circumstances my presumption was that the request must be legitimate and proper.

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

4. I then contacted Mr. || Acting Chief of Technical Services Division, and instructed him to make arrangements for furnishing a physical disguise and alias documentation to an individual (Mr. Hunt), who had insisted that his identity not be known to the TSD officers. I explained to Mr. || that the undertaking was for an extremely sensitive project which had been requested by the White House, of which I was not at liberty to describe further and the nature of which I was unaware. I also indicated that because of the sensitivity factor all the requested support should be handled by TSD.

5. When Mr. || explained that it would be necessary for a TSD officer to meet the subject before creating a disguise, and because Mr. Hunt was unwilling to come to the Headquarters building again, I arranged for the TSD officer to meet Mr. Hunt, who was under an assumed name, in an Agency safehouse. I obtained a key to the safehouse from the Office of Logistics on 23 July and passed it to a TSD representative, Mr. |0 I believe. TSD was able to provide Mr. Hunt (who dealt with them under the alias of "Mr. Edward") with a disguise and alias documentation later that day (23 July 1971). 101077

6. Following my contacts with TSD officers I notified the Executive Assistant to the DDP, Mr. 16 that on the instruction of General Cushman I had enlisted the assistance of TSD (which was subordinate to the Directorate for Plans) in a project for the White House which was said to be extremely sensitive and whose nature was unknown to me.

7. My next contact with Mr. Hunt was a telephone call from him on 18 August 1971 to a request that the Agency furnish a specific secretary (who was named) for a temporary assignment of between 30 and 90 days. Mr. Hunt said that he needed the secretary to work on a highly sensitive assignment and that Mr. John Ehrlichman had suggested that he call General

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

Cushman. Mr. Hunt said that he did not want the young lady's Division Chief to know that he or the White House was involved in the request. Mr. Hunt suggested that the Director's office should immediately recall the young lady from her assignment overseas and explain to all concerned that she was urgently needed for an unspecified special assignment. Mr. Hunt again stressed that White House involvement should not be mentioned. After discussing the case with General Cushman and the Office of Personnel I informed Mr. Hunt that the Agency would be unwilling to withdraw the secretary from her overseas assignment. I suggested that if Mr. Hunt would furnish us with a statement of his requirements we might be able to provide a qualified secretary from Headquarters. Mr. Hunt replied that the individual he had requested was the only secretary he would accept because of the "loyalty factor." Mr. Hunt said that he would discuss our attitude with Mr. Ehrlichman and I heard no more of this particular matter.

8. Mr. // records show that we were again in contact by telephone on 20 August 1971 regarding a new request from Mr. Hunt for a tape recorder and business cards in alias. Since there was nothing improper in this request and it was consistent with my understanding of the assistance we were authorized to give Mr. Hunt, I instructed Mr. // to proceed with this assistance.

101078

9. My records show that Mr. // called me on 26 August 1971 to express concern about additional assistance that had been requested by Mr. Hunt. I learned that Mr. Hunt had introduced an unidentified associate who had been given a disguise and identification documents in alias. Mr. Hunt had also on about 25 August requested and received training in clandestine photography and was given a camera concealed in a tobacco pouch in connection with a new assignment. Mr. // expressed concern that Mr. Hunt now possessed a considerable amount of special materials and

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

DV

noted that the concealed camera was a particularly sensitive item. I agreed with Mr. || concern and remarked to Mr. || that it raised the question of the use of Agency materials in domestic clandestine activity. I told Mr. || that I would report his call promptly and obtain guidance, and that additional gear should not be given to Mr. Hunt and his requests referred to the Deputy Director's office. (It should also be noted that General Cushman's office was informed only after the camera had been given to Mr. Hunt and his associate outfitted with a disguise.)

10. I summarized my conversation with Mr. || in a memorandum for General Cushman and gave it to him the next morning (27 August). My covering buckslip stated that Mr. Hunt's latest request raised two significant problems for the Agency. Mr. Hunt had introduced a stranger into the picture without any word of explanation to General Cushman from the White House. I noted that this unknown person was now aware of Agency support to Hunt in whatever he was doing. I also noted that Mr. Hunt's possession and use of unique clandestine equipment (the disguised camera) in domestic activity of uncertain nature also contained potential for trouble. My buckslip read: "The Agency could suffer if its clandestine gear were discovered (being) used in domestic secret operations." My buckslip continued that I would instruct TSD to clear all of Hunt's requests with the Deputy Director's office and recommended that General Cushman seek Mr. Ehrlichman's assurance that Mr. Hunt's "latest caper" was legitimate (We were still operating on the assumption that the White House project was proper but feared that Mr. Hunt had exceeded his authority.) My buckslip concluded that "Even then (if Mr. Ehrlichman validated Mr. Hunt's request) this does not relieve the Agency from its vulnerability if associated with domestic clandestine operations against Americans."

101079

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

DV

11. I had given my memorandum to General Cushman on the morning of 27 August 1971 when Mr. || called me again to report additional troublesome requests from Mr. Hunt on the previous day. Mr. || said that he was increasingly concerned at the nature of assistance requested by Mr. Hunt. The latter was now pressing for fully backstopped documentation and support, including a driver's license and car rental credit cards in alias. Mr. || said that he had turned down this request. Mr. Hunt also asked that the Agency arrange to backstop a New York telephone number either through an answering service there or by a hookup which would permit the New York number to be answered in Washington. Mr. || said that this action was beyond his Division's capability. I told Mr. || that Mr. Hunt's latest requests drew the Agency even further into the sensitive area of domestic clandestine operations against Americans and that all such requests should be referred to General Cushman's office. I added that, meanwhile, Mr. Hunt's requests should not be met. I reported Mr. || call promptly to General Cushman and recommended that the Agency terminate its support to Mr. Hunt because he was drawing us into a compromising and dangerous situation in which we were not authorized to be engaged, i.e., facilitating domestic clandestine operations against Americans.

101080

12. General Cushman's notes on my buckslips indicate that he promptly spoke to Mr. Ehrlichman by telephone at 1100 hours on 27 August 1971, and explained why CIA could not meet Mr. Hunt's requests. General Cushman noted on the buckslip that Mr. Ehrlichman indicated he would call a halt to Mr. Hunt's activities.

13. I informed Mr. || on 27 August that General Cushman had notified Mr. Ehrlichman that CIA could not give additional help to

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

DV

Mr. Hunt, that TSD should not accept any more requests from Mr. Hunt, and that Mr. Hunt should be instructed to return the sensitive materials from TSD. TSD records show that when Mr. Hunt next contacted TSD personnel on 31 August 1971 he was again informed that the Agency could not provide further assistance.

14. The 27th of August was a Friday. On Monday, 30 August, I wrote a memorandum reporting on my 27 August conversation with Mr. [redacted] and my instruction not to meet Mr. Hunt's new request. General Cushman sent the memorandum to Director Helms and wrote on the covering buckslip that he told Mr. Ehrlichman on 27 August that the Agency could not accept Mr. Hunt's requests for clandestine equipment or operational support. Director Helms initialed the buckslip with the comment "Good."

15. With the closing off of Agency contacts with Mr. Hunt I discarded my handwritten notes covering my talks with Mr. Hunt and Mr. [redacted]. I filed my memoranda to General Cushman, however. In June 1972, when Mr. Howard Hunt's name turned up in connection with the Watergate affair, I retrieved these memoranda and went to see Director Helms to remind him of the contacts with Mr. Hunt a year earlier. I left these memoranda with Mr. Helms.

101081

16. Shortly thereafter the CIA Director of Security, Mr. [redacted], informed me that a representative of the FBI wanted to talk to me because my name had been found in a telephone list in Mr. Howard Hunt's office. I informed Director Helms of this fact and he said that he would take up the matter with the Department of Justice. He said that if an

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

DW

FBI officer contacted me directly I should say that since my contacts wit Mr. Hunt had been in an official capacity, all inquiries should be referre to Director Helms. I heard nothing more from the FBI.

13

Affiant.

SUBSCRIBED and SWORN to before me this 18th day of May, 1973.

101082

A Notary Public in and for the County of Fairfax, Virginia.

My Commission Expires: My Commission Expires September 29, 1976

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

Telephone Call to General Cushman from John Ehrlichman - 7 July 1971

Mr. Ehrlichman: I want to alert you that an old acquaintance, Howard Hunt, has been asked by the President to do some special consultant work on security problems. He may be contacting you sometime in the future for some assistance. I wanted you to know that he was in fact doing some things for the President. He is a long-time acquaintance with the people here. He may want some help on computer runs and other things. You should consider he has pretty much carte blanche.

2 (notes) DV

NOTE; After the above conversation, General Cushman called Mr. 4 to alert him.

020223

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

AFFIDAVIT

STATE OF VIRGINIA)
) ss.
COUNTY OF FAIRFAX)

I, 13 , being first duly sworn, state:

1. I was born on 8 March 1924 in Milwaukee, Wisconsin. After serving as an Army officer in World War II and completing my college education, I joined the Central Intelligence Agency in October 1950. I have held the position of Executive Assistant to the Deputy Director of Central Intelligence since November 1969.

2. This affidavit is submitted at the request of Mr. William E. Colby to explain the circumstances of my discovery on February 4, 1974 of a file of stenographers' notes among which was the attached note of Miss 2 summarizing a telephone conversation between Lt. General Robert E. Cushman, Jr. and Mr. John Ehrlichman on 7 July 1971. 020224

3. Director Colby's secretary, Miss 2 , came to my office on Monday morning, February 4, 1974. She said that Mr. Colby would like me to go through my files once more to make certain that there were no misplaced transcripts of conversations which had been recorded in the Office of the Deputy Director of Central Intelligence. The recording of visitors' conversations had been done on a very selective basis and this practice was discontinued after General Cushman left CIA in December 1971.

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

4. During the morning of February 4, 1974, I went through the papers in my safe in order to determine if any misplaced transcripts of conversations were located there. At the bottom of the second drawer were two folders of material that contained information used for General Walters' orientation briefings after he was appointed Deputy Director of Central Intelligence in March 1972. Under these briefing files I found a brown folder containing ten stenographic notes summarizing General Cushman's telephone conversations with members of the White House staff in 1969, 1970 and 1971. In this folder was a summary of General Cushman's 7 July 1971 conversation with Mr. John Ehrlichman.

DV

020225

5. These stenographic notes in this folder included summaries of General Cushman's conversations with Dr. Kissinger on leaks of intelligence reports in the press, and his request for an analytical paper on Cambodia. There were also conversations with other White House officials on intelligence leaks and on requests for name checks of foreigners. The conversations with Dr. Kissinge were on top of the file of ten stenographic notes and one memorandu written by the CIA General Counsel. The note of General Cushman's conversations with Mr. Ehrlichman on 7 July 1971 was included about two thirds of the way down in the file. I had looked at this file in May 1973 when Dr. Schlesinger requested employees to search all files for material which might have been related to Howard Hunt and the Watergate affair. At that time I noted the records of the conversations with Dr. Kissinger and others on matter which were completely unrelated to Watergate. I did not see the single page item on General Cushman's conversation with Mr. Ehrlichman about Howard Hunt, and presumably, inadvertently failed to uncover it when I was paging through these papers.

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

35-780 O - 74 - 31

6. The file of summary notes of General Cushman's telephone conversations was maintained by his secretary. I usually did not see them when they were made because they were chiefly used by the secretaries to clarify questions which might be raised later. In many cases, General Cushman probably did not see them either. In December 1971 Miss 2 , General Cushman's secretary, and I reviewed General Cushman's papers after he left CIA to become Marine Commandant. I decided to retain only those papers which related to General Cushman's conversations with members of the White House staff.

020226

13

Affiant.

SUBSCRIBED and SWORN to before me this 5th day of February, 1974.

J. Helen Connor
Notary Public

My Commission Expires March 15, 1977

(SEAL)

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

41. On June 28, 1972 Helms wrote a memorandum to Walters stating the substance of Helms' conversation with Gray. Helms stated the CIA still adhered to its request that the FBI confine its investigation to the persons already arrested or directly under suspicion and that the FBI not expand its investigation into other areas which might eventually run afoul of CIA operations.

Page

41.1 Memorandum from Richard Helms to Vernon Walters, June 28, 1972 (received from CIA).....472

EYES ONLY

DV

28 June 1972

MEMORANDUM FOR: Deputy Director

SUBJECT: Watergate Affair

1. Acting Director Gray of the FBI 'phoned me this morning to cancel our meeting scheduled for 2:30 this afternoon. He indicated that he would not be able to get together until next week. I informed him that I would be away but that you would be available with and for any such meeting. I did, however, use the opportunity of this call to make two points to Acting Director Gray: 1) That I would appreciate his calling off interviews with /3 and /8 (this he agreed to do); and 2) that Kenneth Harry Dahlberg was no agent of the CIA and that we had no ties to him. I stated that our last verifiable contact with him was in May 1961. Acting Director Gray confirmed that this is the same Kenneth Dahlberg about whom he was inquiring as soon as I identified the gentleman as the President of Dahlberg Company in Minneapolis.

100096

2. I informed and this morning, in preparation for the scheduled meeting this afternoon, that the Agency is attempting to "distance itself" from this investigation and that I wanted them along as "reference files" to participate in the conversation when requested. I told them that I wanted no free-wheeling exposition of hypotheses or any effort made to conjecture about responsibility or likely objectives of the Watergate intrusion. "In short, at such a meeting, it is up to the FBI to lay some cards on the table. Otherwise, we are unable to be of help. In addition, we still adhere to the request that they confine themselves to the personalities already arrested or directly under suspicion and that they desist from expanding this investigation into other areas which may well, eventually, run afoul of our operations."

3. This brings you up-to-date as of 3:00, 28 June.

Richard Helms
Director

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY. PARTS OF THE ABOVE MATERIAL WERE DELETED BY THE CIA WHEN IT WAS RECEIVED BY THE COMMITTEE ON THE JUDICIARY.

42. On June 28, 1972 Gray directed that the FBI interview Manuel Ogarrio and continue its efforts to locate and interview Kenneth Dahlberg. On that evening John Dean telephoned Gray at home and urged that, for national security reasons or because of CIA interest, efforts to interview Ogarrio and Dahlberg be held up. Gray thereafter cancelled the interviews.

Page

42.1 L. Patrick Gray testimony, 9 SSC 3455-56.....474

the FBI, and leaks from the FBI concerning the tracing of the $114,000. Once again I believe there was some discussion about Ogarrio and Dahlberg and it is my recollection that I was asked if I had ordered the interviews of Ogarrio and Dahlberg. I replied that I had either ordered or was going to order the interview of Ogarrio. In this discussion, I may have told Mr. Dean that I had arranged to meet with Director Helms and Deputy Director Walters at 2:30 p.m. that afternoon to try to get this CIA situation resolved, but I cannot be positive that I did.

At 10:55 a.m. on this same day Mr. Ehrlichman called me. I was not available, but I returned his call at 11:17 a.m. His first words, issued abruptly, were: "Cancel your meeting with Helms and Walters today; it is not necessary." I asked him for his reasons and he simply said that such a meeting is not necessary. I then asked him point blank who was going to make the decisions as to who is to be interviewed. He responded, "You do."

I then telephoned Director Helms to tell him that I was canceling our meeting. I also advised Messrs. Felt and Bates of the cancellation, but stated that the three of us would meet. In this same conversation with me, Director Helms requested that we not interview active CIA men Karl Wagner and John Caswell. I passed this information to Mr. Felt and instructed that these men not be interviewed. Before orders could get to the field, however, Mr. Caswell had already been interviewed.

I met with Mr. Felt and Mr. Bates in my office at 2:30 p.m. on this Wednesday afternoon, June 28, to review the CIA situation. In this meeting I was brought up to date on all the latest developments in the case. I can recall specifically discussing with them the alleged compartmentalization at CIA where the right hand is not supposed to know what the left is doing in sensitive operations and asked if this could occur. We agreed that it was possible, but unlikely in the absence of some special White House interest in the highest classification of national security interests where the need to know was rigidly controlled.

Mr. Bates pointed out that under no circumstances should we back off any investigation at the request of CIA without forcing them to reveal completely their interest in this matter. We all agreed that the FBI's reputation was at stake and I assured them that I would not hold back the FBI in this investigation at anyone's request, including the President of the United States, in the absence of overriding and valid considerations. I told them that if I were ordered to do so without valid reasons, I would resign.

It was in this meeting that I believe I gave Mr. Felt and Mr. Bates instructions to go ahead with the interview of Mr. Ogarrio and to continue our efforts to locate and interview Mr. Dahlberg.

At 3:58 p.m., June 28, Mr. Dean called and I was not available. I returned the call at 4:35 p.m. and I believe now that this call involved a request by Mr. Dean to hold up on the interview of Miss Kathleen Chenow for alleged reasons of national security until she returned from her vacation in England. I'm sure I said we would hold up for the time being but she would have to be interviewed soon. I can recall saying that we will interview her in England unless she returns from vacation at an early date. Mr. Dean gave me her address

in England in this conversation, I believe, and I passed it along in a call to Mr. Felt in which I instructed him to temporarily discontinue leads to interview and investigate Miss Kathleen Chenow in England.

In the evening of this same day, Wednesday, June 28, 1972, a cablegram was sent to our legate in Mexico City instructing him to interview Mr. Ogarrio concerning the four checks in the aggregate amount of $89,000. This order was issued in the afternoon meeting with Mr. Felt and Mr. Bates, I believe, because of the phone call I made to Director Helms on June 27 asking if the CIA had any interest in Mr. Ogarrio and his reply to the effect that CIA had no interest.

At 8:15 a.m. on Thursday, June 29, 1972, I issued orders to cancel the interview of Mr. Ogarrio and to instruct the Minneapolis Field Division to make no further attempts to interview Mr. Dahlberg but to continue to obtain records of his long distance calls. I am fairly certain that I did so as the result of a telephone call I received from Mr. Dean at home, prior to my departure to Dulles Airport for an inspection trip to San Diego and Phoenix. He again urged that these interviews be held up for national security reasons or because of CIA interest. I called Mr. Felt, or his office, and gave these cancellation orders. On my own initiative I also ordered that George Munro, CIA station chief at Mexico City, not be interviewed because I noted in one of the many reports that crossed my desk that he was CIA station chief in Mexico City.

In San Diego, on Friday, June 30, I received a call from Mr. Felt. He informed me that Assistant U.S. Attorney Silbert wanted the FBI to interview Mr. David Young, Mr. Ogarrio and Miss Chenow and that our Washington Field Office recommended interviews of Mr. Mitchell, Mr. Young and Miss Chenow. I instructed Mr. Felt to tell Mr. Dean that we were going to interview Mr. Mitchell, Mr. Young, Miss Chenow, and any others that we must interview, and I also told him to give to Mr. Dean the message from Assistant U.S. Attorney Silbert just as we had received it.

Mr. Dean had called me earlier that morning to complain bitterly about alleged leaks from the FBI. In this conversation it is my recollection that he again raised the question of not interviewing Mr. Ogarrio and Mr. Dahlberg and stated that they had absolutely nothing to do with Watergate, but I cannot be certain.

Mr. Dean called me again that afternoon. I do not recall whether or not Mr. Dean and I discussed Messrs. Ogarrio and Dahlberg in this conversation. I do know that Mr. Dean asked me to consider setting up a special group in the FBI to investigate the entire matter of leaks. I told him that it was not necessary and that I would not take such action.

Mr. Felt called me later that afternoon to report that Mr. Dean informed him that Mr. Young and Miss Chenow would be available for interview during the first part of the coming week. He also told me that Mr. Dean was still complaining about alleged leaks from the FBI.

On Monday, July 3, 1972, I scheduled a meeting with Messrs. Felt, Bates, and Kunkel, special agents in charge of the Washington field office, to review the investigation to date and to consider all ramifications of a possible CIA involvement. This meeting lasted from 2:30 p.m. until just about 4 p.m., and we discussed every possible theory,

43. On June 28, 1972 FBI agents met with Gordon Liddy, in the presence of FCRP attorney Kenneth Parkinson, to question Liddy regarding the break-in at the DNC headquarters. When Liddy declined to answer the agents' questions, he was discharged by FCRP Chairman Maurice Stans.

Page

43.1 Gordon Liddy deposition, O'Brien [Democratic National Committee] v. McCord, August 24, 1972, 37-41.....478

reporter.)

(The witness and counsel conferred.)

THE WITNESS: No.

BY MR. WILLIAMS:

Q You said that you were dismissed from your position as Counsel for the Finance Committee to Re-elect the President on June 28, 1972.

Who dismissed you?

(The witness and counsel conferred.)

A To the best of my ability to ascertain it, it was Mr. Stans who dismissed me.

Q Would you explain that? To the best of your ability to ascertain it.

Don't you know who dismissed you?

(The witness and counsel conferred.)

A I am not sure who ordered it.

Q Who gave you the word?

(The witness and counsel conferred.)

A All right. This is the chronology of what occurred.

On or about the 28th of June at maybe 11 o'clock, I was informed by someone -- and I don't actually recall who it was that there were two Special Agents of the FBI who wished to interview me.

I was preparing to go out. They were in the waiting room or ante-chamber. I was preparing to go out and see them when

I was told that I was wanted on a conference on some legal matters elsewhere. I went and attended that conference.

And I would say approximately an hour's time elapsed. So now we are at about noon.

I came back to the second floor there and checked back to see if there were any messages, what have you, and found that I was then free, went out and greeted the two Special Agents of the FBI, who were in the waiting room, brought them back to my office.

At that time -- retract that.

It was on the first occasion, I believe it may have been Mr. Kenneth Wells Parkinson who was present in the building, who told me that two agents wanted to interview me.

He then stated that as counsel for the committee a policy decision had been taken by the committee that he was to be present at all interviews of anyone having anything to do with the committee by Special Agents of the FBI or otherwise, and he would like to be present.

And I told him I had no objection to that. Thereafter someone told me that I had to go meet someone else in a conference on some legal matter. So I excused myself. I asked him - him being Mr. Parkinson -- to please convey my apologies to the agents for the delay. And he said he would do so.

I came back. I got the two agents. We went back into my office on the second floor and Mr. Parkinson was present. There

was some pleasantries of the day expressed between myself and the two agents involving the fact that both of us had attended the same college and both had served in the same organization in the past.

And Mr. Parkinson was seated to the side taking notes. One of the agents said, in words of substance, that he desired to interview me with respect to the Watergate break-in matter, asked me if I knew certain individuals.

And at that time I said to him that it appeared to me that he had reason to believe a crime had been committed, that I gathered from what he was saying as he was saying it that I might be implicated in it, so on and so forth.

There arose in my mind immediately the question of fact that I was an attorney, that the attorney-client privilege might be involved, a number of other legal problems.

So I said to the agent that before he went any further, prior to any interview, I would like to obtain the services of an attorney, consult with him on what I believed were the possible legal problems involved and desired not to have any further conversation with him or with his companion agent until I had the benefit of counsel.

And there was a bit more colloquoy and the agents left.

Thereafter Mr. Parkinson left my office, I continued on about my business, and then another individual came to see me. He may or may not have been accompanied by Mr. Parkinson. I

I don't recall at this point. 40

And I believe it was Mr. Fred Larue, but I am not certain of his identity, and said, "Well, you know the policy of the committee is that any time any representative of any official investigative body wants to discuss any matter with any member of this committee that they cooperate completely."

I explained that I wanted to see my counsel and, in words of substance, I came to understand that this was not acceptable and that if I were to persist in this position that I had taken it might well lead to my dismissal.

I am just giving my best recollection now.

Thereafter I was told that Mr. Stans wanted to see me. This was the same afternoon we are talking, just in terms or an hour or two.

And Mr. Stans, I believe, was the man who told me, as would be normal and proper, inasmuch as he was my boss, that in view of the position I had taken, my services were no longer needed, or I would be dismissed, or I don't know the exact language.

Q You say you believe it was Mr. Stans.

Don't you remember who it was who fired you?

A I talked to Mr. Stans.

Q Wasn't he the one who fired you?

A I also talked to Mr. Larue and I also talked to Mr. Parkinson.

My best recollection is it was Mr. Stans.

Q Is there some doubt in your mind as to who it was who told you this?

A Well, the language of your question or as I recall your question was how did I come to know or something of that sort, you see, and that is why I went through this explanation for you.

It's my best recollection and understanding that the person who formally told me that I was no longer to be employed by the committee and so on and so forth was Mr. Stans.

Q Did Mr. Stans have a discussion with you with respect to your involvement, if any, in the Watergate break-in about which we are inquiring.

(The witness and counsel conferred.)

A I decline to answer that question on the ground that to do so might tend to incriminate me.

Q Did Mr. Stans know about your involvement in the Watergate incident prior to June 28?

MR. MAROULIS: I object to the form of that question. It assumes an answer. I won't permit my client to answer that.

BY MR. WILLIAMS:

Q Did you ever discuss with Mr. Stans, prior to June 28 the break-in of the Democratic National Committee at the Watergate?

44. On or about June 28, 1972 John Dean was informed that the FBI was attempting to interview Kathleen Chenow, the secretary of David Young and Egil Krogh in the White House Special Investigations Unit (the "Plumbers"). (The number of a telephone billed to Chenow at her home address but located in the EOB was contained in a personal book of telephone numbers of Eugenio Martinez and in an address book of Bernard Barker found in the Watergate hotel room that had been occupied by certain of the men arrested in the DNC headquarters.) Dean has testified that he informed John Ehrlichman of problems connected with Chenow's interview and Ehrlichman agreed that before her FBI interview Chenow should be briefed not to disclose the activities of Howard Hunt and Gordon Liddy while at the White House. On June 28, 1972 Dean telephoned Acting FBI Director Gray and requested that Chenow's interview be temporarily held up for reasons of national security. Gray agreed to the request.

Page

44.1 John Dean testimony, 3 SSC 941.....484

44.2 E. Howard Hunt testimony, SSC Executive Session, May 14, 1973, 311-12.....485

44.3 L. Patrick Gray testimony, 9 SSC 3455-56.....487

44.4 Washington, D. C. Police Department evidence report, June 20, 1972, identifying Bernard Barker address book, Exhibit 38-A, United States v. Liddy.....489

44.5 Washington, D. C. Police Department evidence report, June 20, 1972, identifying Eugenio Martinez telephone directory, Exhibit 54-S-1, United States v. Liddy.....492

44.6 SSC report of Kathleen Chenow FBI 302 interview, July 3, 1972 (received from SSC).....495

44.7 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, February 28, 1973, 127.....496

44.8 Kathleen Chenow telephone records, 2/72 - 4/72 (received from SSC).....497

formed the general pattern that was followed with other members of the White House staff, that is I would discuss with the person before the interview what I throught the agents would be interested in and then discuss that person's area of knowledge. I had reviewed this procedure with Ehrlichman, who fully concurred in the procedure. On several occasions, Mr. Fielding of my office also participated in preparing witnesses for their interviews with the FBI. Contrary to some accounts that I sat in on some 14 to 18 interviews at the White House, the only interviews I recall sitting in on were Chapin's, Miss Chenow's, Colson's, Ehrlichman's, Miss Joan Hall's, Strachan's, Timmons', and Young's. Also I was present when Fielding, Kehrli, and I had a discussion with the FBI about the handling of the materials in Hunt's safe.

The only FBI interview that differed from the normal pattern was the interview of Miss Chenow. It was in late June that Miss Chenow's former roommate notified David Young and I believe also Bud Krogh that the FBI had been to see her and requested to know where Miss Chenow was. The former roommate had said that the agents had asked about a telephone listed in Miss Chenow's name. The roommate had informed the FBI that Miss Chenow was in London on vacation. David Young came to see Fielding and I and said that this girl could not know anything about the Watergate, but could cause the White House problems by inadvertently answering questions about the plumbers' operation, where she had been employed, and that the telephone had been listed in her name in connection with the plumbers' operation. Mr. Young was very concerned about Miss Chenow being caught off guard by an FBI agent. Accordingly, I notified Gray that we would make arrangements to have Miss Chenow available to the agents in Washington within a few days.

I discussed the problem, that Chenow could cause the White House problems, with Ehrlichman and suggested that someone bring her back from London for the interview and explain to her that she should not get into Hunt's and Liddy's activities while at the White House. Ehrlichman fully agreed and I called Fielding from Ehrlichman's office and told him he should be on the next plane to London to get the girl. The two first-class round-trip tickets were paid for by the White House. There were two sets because Miss Chenow was provided transportation back to London. I informed Kehrli, who would not authorize such a trip on my word alone, that I had cleared this with Ehrlichman. I do not know if Kehrli himself checked with Ehrlichman or Haldeman. I believe it was on July 2 that Fielding left for London and returned with Miss Chenow the next day. He did have some problem because the address that had been given him was incorrect. Fielding and Young briefed Miss Chenow when she came back before her interview, and Fielding and I were present when the FBI interviewed her.

I will now turn to my first meetings with Mr. Gray, beginning on page 66 regarding the investigation.

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

Indistinct document retyped by
House Judiciary Committee staff

Mr. Hunt. Which was the time, as I recall it, that Mr. Liddy formally left the White House and assumed a position with the Committee.

Mr. Dash. And then what did you do? Did you stay on at the White House?

Mr. Hunt. I stayed on at the White House, yes.

Mr. Dash. And you maintained that office at the White House?

Mr. Hunt. that [sic] is correct, sir.

Mr. Dash. And was your position still as a Consultant?

Mr. Hunt. Yes, sir.

Mr. Dash. Were you working then for Mr. Colson?

Mr. Hunt. Yes, sir, and I did occasional jobs in the narcotics field for Mr. Krogh or Mr. Young.

Mr. Dash. Now, when was the time that a special telephone was set up in the White House that was billed to Mr. [sic] Chenow's apartment?

Mr. Hunt. That would have to be -- oh, I would say in the month of July or early August of 1971.

Mr. Dash. And what was the purpose of setting that telephone up?

Mr. Hunt. So that persons associated with our Task Force, if you will, could be reached by means other then through the White House switchboard.

Mr. Dash. And what was Mrs. Chenow's relationship with

Indistinct document retyped by
House Judiciary Committee staff

35-780 O - 74 - 32

Indistinct document retyped by
House Judiciary Committee staff

this project?

Mr. Hunt. She was a secretary to the group, worked specifically for Mr. Young.

Mr. Dash. Did she answer that telephone?

Mr. Hunt. Yes.

Mr. Dash. When did the use of that telephone terminate?

Mr. Hunt. I do not know.

Mr. Dash. I mean, it was not on your orders that you terminated it?

Mr. Hunt. Oh, no, sir.

Mr. Dash. Well, there came a time when your work with the group terminated, did it not?

Mr. Hunt. Yes, approximately January of 1972.

Mr. Dash. And how did that come about?

Mr. Hunt. Well, it was just that I was doing -- I had a regular full-time job with the public relations firm in town. I was spending a great deal of time traveling [sic] with and for Mr. Liddy, and it was just a question of available time. There was no time for me to work with the group, 16 people any more.

Mr. Dash. Now, Mr. Liddy had gone over to the Committee for the Re-Election of the President?

Mr. Hunt. Yes, sir.

Mr. Dash. What was the name of that Company that you were working with?

Indistinct document retyped by
House Judiciary Committee staff

the FBI, and leaks from the FBI concerning the tracing of the $114,000. Once again I believe there was some discussion about Ogarrio and Dahlberg and it is my recollection that I was asked if I had ordered the interviews of Ogarrio and Dahlberg. I replied that I had either ordered or was going to order the interview of Ogarrio. In this discussion, I may have told Mr. Dean that I had arranged to meet with Director Helms and Deputy Director Walters at 2:30 p.m. that afternoon to try to get this CIA situation resolved, but I cannot be positive that I did.

At 10:55 a.m. on this same day Mr. Ehrlichman called me. I was not available, but I returned his call at 11:17 a.m. His first words, issued abruptly, were: "Cancel your meeting with Helms and Walters today; it is not necessary." I asked him for his reasons and he simply said that such a meeting is not necessary. I then asked him point blank who was going to make the decisions as to who is to be interviewed. He responded, "You do."

I then telephoned Director Helms to tell him that I was canceling our meeting. I also advised Messrs. Felt and Bates of the cancellation, but stated that the three of us would meet. In this same conversation with me, Director Helms requested that we not interview active CIA men Karl Wagner and John Caswell. I passed this information to Mr. Felt and instructed that these men not be interviewed. Before orders could get to the field, however, Mr. Caswell had already been interviewed.

I met with Mr. Felt and Mr. Bates in my office at 2:30 p.m. on this Wednesday afternoon, June 28, to review the CIA situation. In this meeting I was brought up to date on all the latest developments in the case. I can recall specifically discussing with them the alleged compartmentalization at CIA where the right hand is not supposed to know what the left is doing in sensitive operations and asked if this could occur. We agreed that it was possible, but unlikely in the absence of some special White House interest in the highest classification of national security interests where the need to know was rigidly controlled.

Mr. Bates pointed out that under no circumstances should we back off any investigation at the request of CIA without forcing them to reveal completely their interest in this matter. We all agreed that the FBI's reputation was at stake and I assured them that I would not hold back the FBI in this investigation at anyone's request, including the President of the United States, in the absence of overriding and valid considerations. I told them that if I were ordered to do so without valid reasons, I would resign.

It was in this meeting that I believe I gave Mr. Felt and Mr. Bates instructions to go ahead with the interview of Mr. Ogarrio and to continue our efforts to locate and interview Mr. Dahlberg.

At 3:58 p.m., June 28, Mr. Dean called and I was not available. I returned the call at 4:35 p.m. and I believe now that this call involved a request by Mr. Dean to hold up on the interview of Miss Kathleen Chenow for alleged reasons of national security until she returned from her vacation in England. I'm sure I said we would hold up for the time being but she would have to be interviewed soon. I can recall saying that we will interview her in England unless she returns from vacation at an early date. Mr. Dean gave me her address

in England in this conversation, I believe, and I passed it along in a call to Mr. Felt in which I instructed him to temporarily discontinue leads to interview and investigate Miss Kathleen Chenow in England.

In the evening of this same day, Wednesday, June 28, 1972, a cablegram was sent to our legate in Mexico City instructing him to interview Mr. Ogarrio concerning the four checks in the aggregate amount of $89,000. This order was issued in the afternoon meeting with Mr. Felt and Mr. Bates, I believe, because of the phone call I made to Director Helms on June 27 asking if the CIA had any interest in Mr. Ogarrio and his reply to the effect that CIA had no interest.

At 8:15 a.m. on Thursday, June 29, 1972, I issued orders to cancel the interview of Mr. Ogarrio and to instruct the Minneapolis Field Division to make no further attempts to interview Mr. Dahlberg but to continue to obtain records of his long distance calls. I am fairly certain that I did so as the result of a telephone call I received from Mr. Dean at home, prior to my departure to Dulles Airport for an inspection trip to San Diego and Phoenix. He again urged that these interviews be held up for national security reasons or because of CIA interest. I called Mr. Felt, or his office, and gave these cancellation orders. On my own initiative I also ordered that George Munro, CIA station chief at Mexico City, not be interviewed because I noted in one of the many reports that crossed my desk that he was CIA station chief in Mexico City.

In San Diego, on Friday, June 30, I received a call from Mr. Felt. He informed me that Assistant U.S. Attorney Silbert wanted the FBI to interview Mr. David Young, Mr. Ogarrio and Miss Chenow and that our Washington Field Office recommended interviews of Mr. Mitchell, Mr. Young and Miss Chenow. I instructed Mr. Felt to tell Mr. Dean that we were going to interview Mr. Mitchell, Mr. Young, Miss Chenow, and any others that we must interview, and I also told him to give to Mr. Dean the message from Assistant U.S. Attorney Silbert just as we had received it.

Mr. Dean had called me earlier that morning to complain bitterly about alleged leaks from the FBI. In this conversation it is my recollection that he again raised the question of not interviewing Mr. Ogarrio and Mr. Dahlberg and stated that they had absolutely nothing to do with Watergate, but I cannot be certain.

Mr. Dean called me again that afternoon. I do not recall whether or not Mr. Dean and I discussed Messrs. Ogarrio and Dahlberg in this conversation. I do know that Mr. Dean asked me to consider setting up a special group in the FBI to investigate the entire matter of leaks. I told him that it was not necessary and that I would not take such action.

Mr. Felt called me later that afternoon to report that Mr. Dean informed him that Mr. Young and Miss Chenow would be available for interview during the first part of the coming week. He also told me that Mr. Dean was still complaining about alleged leaks from the FBI.

On Monday, July 3, 1972, I scheduled a meeting with Messrs. Felt, Bates, and Kunkel, special agents in charge of the Washington field office, to review the investigation to date and to consider all ramifications of a possible CIA involvement. This meeting lasted from 2:30 p.m. until just about 4 p.m., and we discussed every possible theory,

P.D. 698
REV. 9/68

Page 24

ROPOLITAN POLICE
WASHINGTON, D
SUPPLEMENTARY EVIDENCE REPORT

TO:		1. DATE OF THIS REPORT 6/20/72	
2. COMPLAINANT'S NAME Democratic National Committee	3. LOCATION OF OFFENSE Watergate/2600 Va. Ave. NW		
4. OFFENSE Burglary II	5. DATE OF OFFENSE 6/17/72	6. M C S NO. 12830	7. C.C.R. NO. 316-832

BELOW ARE THE RESULTS OF THE EXAMINATIONS CONDUCTED BY THE IDENTIFICATION SECTION

FROM THE TOP DRAWER OF DRESSER AT LEFT OF DOOR FROM ROOM 214

#262 A check in receipt for the Watergate Hotel for room 214 in name of F. Carter, IN 6/16, OUT 6/19, Firm Ameritas, 955 SW First, Miami, Fla. and signed by Frank Carter.

#263 A check in receipt for the Watergate Hotel for room 214 in name of J. Valdez, IN 6/16, OUT 6/19, Firm Ameritas, 955 SW First, Miami, Fla. and signed.

#264 A black or dark blue small book with "Addresses Telephones" in yellow lettering on front and on the first page "Bernard L. Barker, 5229 NW 4th Street, Miami, Fla. 33126, Office Barker Associated Inc. 2301 NW 7 St., Suites F & G, Miami, Fla. 33125", book contains various names, addresses and telephone numbers.

#265 A torn out piece of white lined paper headed "Addresses" with name "Carole Frohman, 865-0255".

#266 A black plastic folder containing (7) seven business cards in name of Bernard L. Barker, G.R.I, Realtor.

#267 A business card from E. Rolando Martinez, Associate of Barker Associates Inc., Realtors.

#268 A Sears Easy Payment Account Card #45 42313 76571 5 in name of Mr. Bernard L. Barker, 5229 NW 4th St., Miami, Fla. 33126.

#269 A social security card #213-07-0844 in name of Bernard Leon Barker.

#270 A Florida Operators License #B62609217097709A in the name of Bernard Leon Barker.

#271 A Sears Credit Card #45 91613 78290 4 in name of Mr. Bernard L. Barker.

#272 An American Express Credit Card, number 047 252 328 1 800AX in the name of Bernard L. Barker, Barker Associates Inc.

#273 A standard Chevron National Travel Credit Card, number 110 319 250 4 in name of Bernard L. Barker.

#274 A Texaco Travel Credit Card, #19 414 3802 8 in the name of B L Barker.

#275 A Shell Credit Card, number 984 135 004 in name of B L Barker.

PROPERTY RETURNED: WITNESS:

Sgt Cuthbert
Signature of Reviewing Official

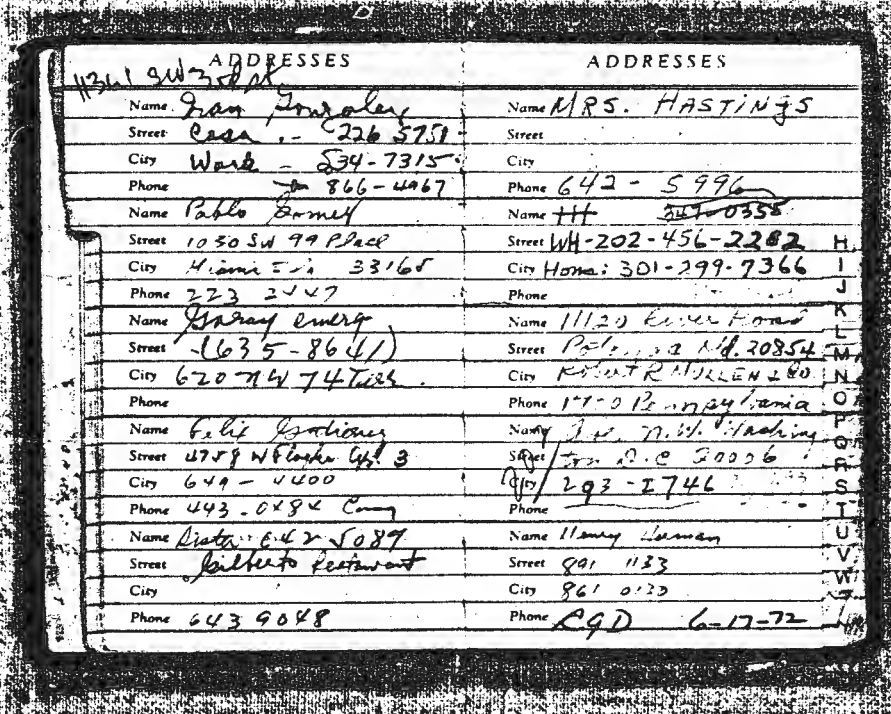
Off Barry N. Mulvey
Signature of Technician Assigned

P-4178

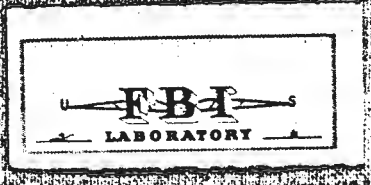




FBI LABORATORY



ADDRESSES	ADDRESSES
Name Juan Gonzalez	Name MRS. HASTINGS
Street Casa - 226 5751	Street
City Work - 534-7315	City
Phone 866-4967	Phone 642 - 5996
Name Pablo Gomez	Name HH 202-0358
Street 1030 SW 99 Place	Street WH-202-456-2282
City Miami Fla 33165	City Home: 301-299-7366
Phone 223 2547	Phone
Name Garay emerg	Name 11120 Rockville Road
Street (635-8641)	Street Potomac Md. 20854
City 620 NW 74 Terr.	City Robert Allen 280
Phone	Phone 1-717-0 Pennsylvania
Name Felix Gutierrez	Name Jno. M. St. Washington
Street 4758 W Flagler Apt 3	Street Wash D.C. 20006
City 649 - 0400	City 293-2746
Phone 443-0484 Cuban	Phone
Name Dista: 642-5087	Name Henry Loman
Street Filberto Restaurant	Street 901 1133
City	City 861 0123
Phone 643 9048	Phone CGD 6-17-72



P.D. 698
REV. 9/58

Page 12

METROPOLITAN POLICE DEPARTMENT
WASHINGTON, D. C.
SUPPLEMENTARY EVIDENCE REPORT

TO:		1. DATE OF THIS REPORT 6-20-72	
2. COMPLAINANT'S NAME Democratic National Committee	3. LOCATION OF OFFENSE Watergate/2600 Va. Ave NW		
4. OFFENSE Burglary II	5. DATE OF OFFENSE 6-17-72	6. M C S NO. 12830	7. C.C.R. NO. 316-832

BELOW ARE THE RESULTS OF THE EXAMINATIONS CONDUCTED BY THE IDENTIFICATION SECTION

The below listed property recovered on Search Warrant by Detective Robert Denell, CID in room #214 of the Watergate Hotel on 6-17-72 and turned over to Technician Larry Muncy of the Mobile Crime Laboratory 6-20-72 at 0815 hrs.

ITEMS:

#167 One black with white metal trim "Samsonite" attache case.

(The attache case contained the following:)

#168 One brown and yellow metal "bates" list finder, model K, with :"PFC Donnie Martinez, Co B, 2nd Tank Battallion, Force Troops, Camp Lejeune, North Carolina, 28542" written inside the top of the finder. (This item is known as a pop-up telephone directory.)

#169 One "1972 Realty Bluebook" with torn out page from desk calendar in same. Calendar page dated Monday, August 23rd and Tuesday August 24th, 1971. On the August 23rd side is written: "2514 N.W. 122 St.".

#170 One green with yellow lettering "Expanded Payment Table for Monthly Mortgage Loans" with business card of "E. Rolando Martinez" attached to inside front cover.

#171 A black vinyl address book with "L&M Mortgage Co.,6500 W.4th Ave Suite 6, Hialeah, Florida, 822-7520" imprinted on same. In the "Q" section of the book is a diagram of what appears to be a hotel lobby.

#172 Black leather business card holder containing business cards of "E. Rolando Martinez" and other subjects.

#173 U.S, Airmail Postage stamp holder with" six 11 cent Airmail stamps & six 2 cent stamps in same.

#174 A envelope from "Real Estate Directories" addressed to: "Judd Realty of Miami", containing real estate listings of the Miami area that are for sale.

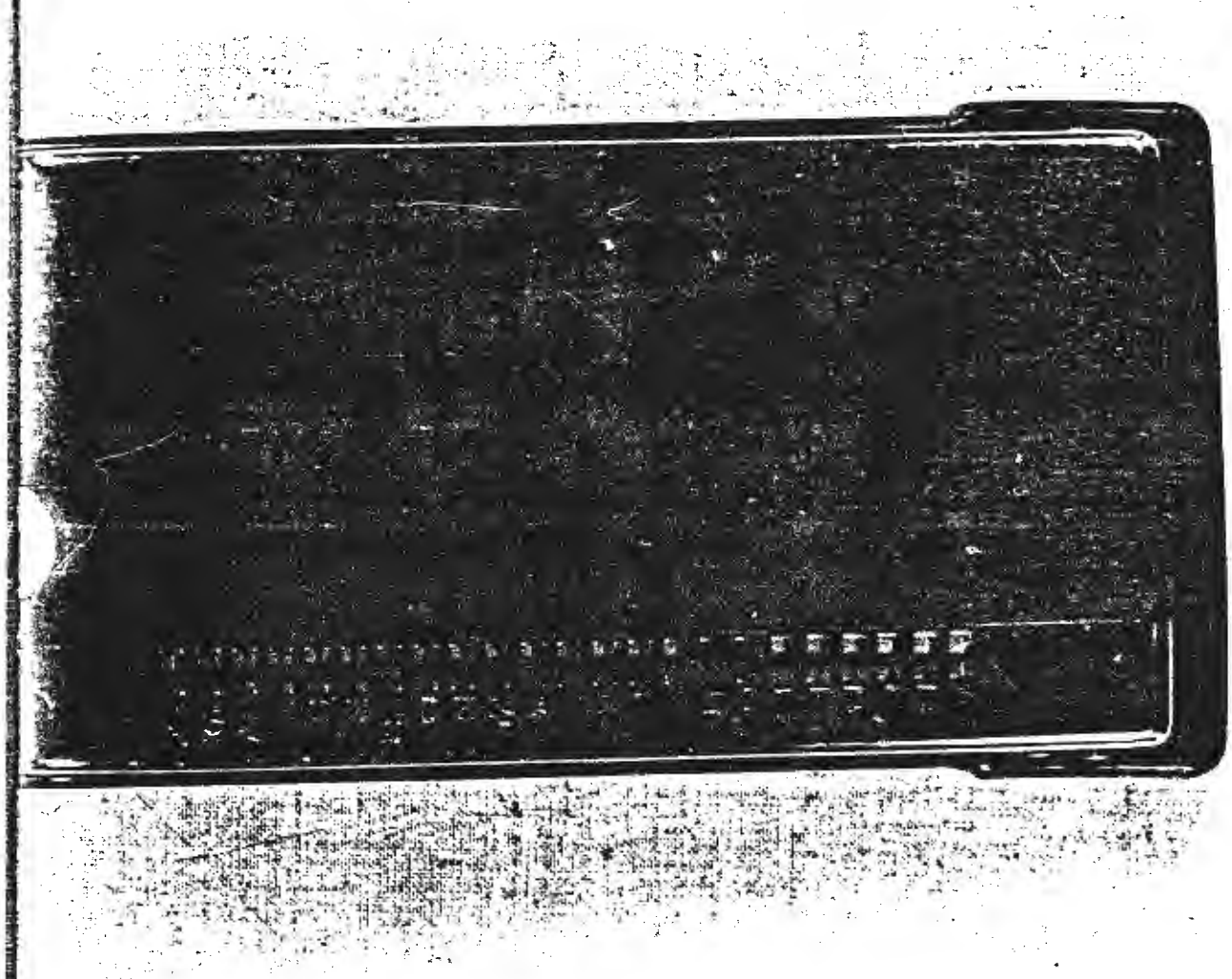
#175 Envelope containing legal seperation papers of Eugenio Rolando Martinez and Jean Marie Moleski DeGregorio Martinez. "Case 72-9254-J.W.Kehoe" (papers had not been signed but was to appear before Judge J.W. Kehoe of Dade County,Fla., June 27, 1972)

PROPERTY RECEIVED: WITNESS:

Sgt. C.R. Kirk
Signature of Reviewing Official

Signature of Technician Assigned

P-4178



7

FREIRE (home) 854 1752
FRAINI 681 8263.
" working 947 0641.
FREIRE ENRIQUE) 443-4691.
FLORIDA WIFE JOINT
[illegible] 1225 St. STURGIS 625-1301
ANTONIO FERNANDES TINO UN-5-2277
5070 ALTON ROAD MIAMI-BEACH
[illegible] 534 0859
[illegible] [illegible]
JOSÉ FRAGA UN 37776
Pablo Fernández (Adv. Party) 2238173.
Angel Ferrer 445-6059.
446 9185.
s/c 667 2865.
José Ramón Egües
(Maria) 443-1082
Empresa Cuba)

RqD 6-17-72 BATES F

8

HIRAM GONZALEZ 226-5751
7917 SW 22 st.
GLASSER ——— 3791733
GEORGE ——— 202 333-6575
ALFONSO GOMEZ MENA 379 6798
GOLD COAST INS AGEN.
Mrs GHORT ——— 642 2044
West Flagler 2520 W. FLAGLER
PEDRO GIL. 6359429
VIRGILIO GONZALEZ — 3785791
SW 221 8 AVE
930 SW 23 AVE 649 4884
718.

RqD 6-17-72 BATES G

9

HOWARD HUNT (W-HOUSE) 202-4562282
HOME - 301-2997366.
1700 Penn Ave Suite 770 - 202-2932746.
GEORGE - 202-347-0355.
Mrs Hughes (CARRIE) T. 448-8203.
100 EDGEWATER DR CG 665-6578. ✓
ENRIQUE ROCHE 446 9902
213 ARAGON AVE CG.
)
HECTOR HOCE DR
801 NW 643 1481 RESS.
A2 A15. 640 1827 RESS.

RqD 6-17-72 BATES

This is Tuesday, April 24, 1973, I am in the FBI Headquarters, this is Samuel Dash, Chief Counsel of the Select Committee and I am reviewing 302's for the purpose of preparing interviews for committee witnesses.

The first interview is Miss Kathleen Chenow. She was interviewed on July 3, 1972 by special Robert E. Lill and Daniel C. Mahen and she was interviewed in the Executive Office Building, 17th & Pennsylvania Avenue in the presence of Mr. John Dean, counsel from President Nixon, and Mr. Fred Fielding, Mr. Deans assistant. Miss Chenow stated that she was employed in a secretarial capacity to Mr. David Young, Rm. 16, Executive Office Bldg. from June 71 till sometime in March 72. That she was approached by Mr. Young sometime in October 71 and requested to have a private telephone installed in the suite of offices located in Rm. 16 for the use of Mr. E. Howard Hunt, who would be in a position to receive calls on that phone line. The phone bills for this particular phone was to be sent to Miss Chenow's home address 501 Slaters Lane, Alexandria, Virginia. She agreed to this arrangement and the bills was sent to her home and she brought them to the office and presented them to Mr. John Campbell, staff secretary to President Nixon. According to Miss Chenow the phone was in the suite of office for approximately five months and was taken out sometime in the middle of March 1972. Mr. Young office was a suite of four rooms which included Mr. Young's office, a senate office, a conference room and a small reception area the phone which had been installed and billed to her residence was an extension of 2 telephones setting on desks in the senate office, an possible a third extension into the conference room.

Miss Chenow said that Hunt visited the Young office approximately twice a week that he did not have an office in that suite but that he was located on the third floor of the Executive Office Building. She last saw Mr. Hunt in March 1972. She believed that Hunt was assisting Mr. Young in the aftermath of the "Pentagon Papers" she also stated that she was aquainted with G. Gordon Liddy and that he was a third party that assisted Mr. Young and occupied an office in the same general location of Young. The last time she saw Mr. Liddy was in February 1972 when he came to the office to pick up mail and Mr. Liddy left the employ of the White House in December 1971 for employment to the Committee to Reelect the President.

Miss Chenow said that the phone installed in the Young suite was essentially a telephone for Mr. Hunt's use and served as a answering service. In addition to a local address in Alexandria, Virginia Miss Chenow has a Milwaukee address which is 4957 North 110th Street, Wilwaukee, Wisconsin. This is her parents address. The Alexandria, Virginia address telephone number as of the time of this interview was 836-1040.

D0730120062

SSC Source 2/12/74

Senator BYRD. Did you have contact with anyone employed by the Committee for the Reelection of the President?

Mr. GRAY. Contact when or where or for what purpose?

Senator BYRD. At any time.

Mr. GRAY. No; I had nothing to do with that committee.

Senator BYRD. You had no contact with any employee of that committee?

Mr. GRAY. No. Except during the conduct of this investigation, the FBI did; we interviewed those people. But I had no personal contact. I had no telephone calls. I had no letters. I had no visits.

Senator BYRD. Irrespective of the Watergate investigation, did you have any contacts?

Mr. GRAY. No.

Senator BYRD. Did you know anyone on the committee? Did you know anyone on the committee staff? Did you ever have any contact with them?

Mr. GRAY. Sure; I knew those people—sure. I knew Bob Mardian and John Mitchell and Fred LaRue; I came to know those people after I came to Washington and after 1969. I did not know them before that.

Senator BYRD. When did you first learn of Mr. Liddy's involvement in the Watergate break-in?

Mr. GRAY. I will have to give you the exact information because I did not provide myself with that kind of detailed information today and I will have to submit it. It probably came to me under an alias first and then probably came to me with his true name as we developed it. I know I have the names of the people who were arrested but those, as we know, were aliases as we later found out. But I will have to find the exact time that George Gordon Liddy's name was delivered to me, Senator.

Senator BYRD. And from whom.

Mr. Gray. And from whom; yes.

(Mr. Gray subsequently submitted the following document for the record:)

I find, Senator Byrd, upon checking the records, that on June 18, 1972, we first learned that one George Leonard, later identified as George Gordon Liddy, was registered at the Watergate Hotel with the group which was arrested at the Democratic Committee Headquarters. Extensive efforts, of course, were made to endeavor to identify Leonard. On June 28, 1972, Assistant Director Bates directed a memorandum to Acting Associate Director Felt which stated that at 12:50 P.M. that date, SAC Kunkel had called to advise that in tracing telephone calls of Martinez and Barker, one of the numbers called at the Committee to Reelect the President was that of a Mr. Gordon Liddy. Our Agents attempted to interview Liddy that day and he refused to be interviewed. Subsequently, on 7/3/72, Liddy's photograph was positively identified as being the individual known as George Leonard.

Senator BYRD. Were you aware that Mr. Liddy was a former FBI agent and that he was finance counsel for the Committee to Re-Elect the President at the time of the Watergate break-in?

Mr. GRAY. No; I was not. I did not even know Mr. Liddy.

Senator BYRD. You did not know him personally?

Mr. GRAY. No, sir; I did not.

Senator BYRD. Even through the Committee to Re-elect the President?

Mr. GRAY. No, sir; I did not.

...ar Telephone

S CA.. EEN CHENOW
501 SLATERS LANE
APT 519
ALEXANDRIA VA 22314

FEB 29 1972 M. K. H. 1 922-3470355 C64

DF

PHONE NO.	
1-0355	C64

FOR MONTH ENDING

MO.	DAY	YEAR
02	18	72

DESCRIPTION	REQ. NO.	BRANCH OR LINE NO.	QUAN.	USOC CODES	DATES FROM	DATES TO	MONTHLY RATE	AMOUNT
SERVICE								11 80
CN EQUIPMENT LOC 01								
	N-49064		1	MBTSX	082671	011872	10 00	
			1	KKQ			1 80	
SUB TOTAL							11 80 *	55 85
VICE CONN. CHARGE	N-49064				082671			2 00

) 0 7 3 0 1 3 0 0 3 8

CUMULATIVE NET MONTHLY CHANGE 11 80

DF

PAGE	
1	79 05

Bell Telephone

S CATHLEEN CHENOW
501 SLATERS LANE
APT 519
ALEXANDRIA VA 22314

032-3470355-C64

MAR 27 1972 M. K. H.

ONE NO.	
0355	C64

FOR MONTH ENDING

MO.	DAY	YEAR
03	16	72

DESCRIPTION	REQ. NO.	BRANCH OR LINE NO.	QUAN.	USOC. CODES	DATES FROM	DATES TO	MONTHLY RATE	AMOUNT
SERVICE								11 80
CUMULATIVE NET MONTHLY CHANGE							00	

16

0 0 7 3 0 1 3 0 0 3 9

S CA.HLEEN CHENOW
501 SLATERS LANE
APT 519
ALEXANDRIA VA 22314

042-3470355-01

APR 25 1972 M.K.H.

PHONE NO. -0355 C64

FOR MONTH ENDING MO. 04 DAY 18 YEAR 72

DESCRIPTION	REQ. NO.	BRANCH OR LINE NO.	QUAN.	USOC CODES	DATES FROM	DATES TO	MONTHLY RATE	AMOUNT
SERVICE								00
CN EQUIPMENT LOC 01								
C	D-37413		1	MBTSX	03067	20318	72 1000CR	
C			1	KKQ			180CR	
SUB TOTAL							1180CR*	472CR

0 7 3 0 1 3 0 0 4 U

CUMULATIVE NET MONTHLY CHANGE 1180CR

PAGE 1 CUMULATIVE 472CR

15

45. On June 28, 1972 Gray met with John Ehrlichman and John Dean. At this meeting Gray was given two folders containing documents which he was told had been retrieved from Howard Hunt's safe and had not been delivered to FBI agents when the remainder of the contents of the safe was delivered on June 27, 1972. Gray was told that these documents were politically sensitive, were unrelated to Watergate, and should never be made public. Dean did not deliver to Gray the two notebooks and pop-up address book that had been found in Hunt's safe; Dean has related that he discovered these items in a file folder in his office in late January 1973, at which time he shredded the notebooks and discarded the address book.

Page

45.1 John Ehrlichman log, June 28, 1972 (received from SSC).....502

45.2 L. Patrick Gray testimony, 9 SSC 3467.....503

45.3 John Ehrlichman testimony, 7 SSC 2835-36.....504

45.4 John Ehrlichman testimony, 6 SSC 2614.....506

45.5 John Dean testimony, 4 SSC 1362-65.....507

45.6 Richard Ben-Veniste statement, United States v. Liddy, November 5, 1973, 3-4.....511

35-780 O - 74 - 33

45.1 JOHN EHRLICHMAN LOG, JUNE 28, 1972

MONDAY, JUNE 26, 1972

8:00	HRH office
8:15	Roosevelt Room
10:00	Colson, MacGregor
11:00	President
12:25	John Dean
12:45	Randall Smith (publisher of National Journal)
2:30	Roosevelt Room - p.r. group
3:30	President, Shultz, Weinberger, Stein (budget)
6:00	Tennis with Hullin, Mrs. E, Hruska

TUESDAY, JUNE 27, 1972

8:00	HRH office
8:15	Roosevelt Room
9:55	President
10:00	President, Republican Members of Senate Finance Committe
12:00	Bruce Agnew (Business Week)
12:30	Fred Malek
1:00	Lunch in Mess with Jan, Pete, Barb Preve
2:00	Robert Toth (LA Times)
4:15	Klein's group of local anchormen - EOB Conference Room

WEDNESDAY, JUNE 28, 1972

8:00	HRH office
8:15	Roosevelt Room
10:45	John Dean
12:30	Joan Sullivan, Susan Engstrom (Santa Monica High School)
2:10	John Dean
2:30	President
3:45	Weinberger's office - HRH
4:55	Tennis with Vernon Jordan (Urban League), Hullin, Young
6:30	L. Patrick Gray, III, John Dean

House, Department of Justice, and CIA on the subject of retrieval by the CIA of CIA information furnished to the Department of Justice.

THE HOWARD HUNT FILES

Prior to a meeting I had with Mr. Dean and Mr. Ehrlichman in Mr. Ehrlichman's office on the evening of June 28, 1972, I had no knowledge from any source whatever of the existence of these particular files or of the information and instructions I was to receive that evening.

I arrived at Mr. Ehrlichman's office at about 6:30 p.m. that evening for the purpose of discussing with him the many rumors and allegations concerning leaks of information from the FBI regarding the Watergate investigation. One of his secretaries told me to go right on into his private office. Mr. Dean was in the office talking with Mr. Ehrlichman. I remember being surprised at Mr. Dean's presence because I had not known that he would be at the meeting.

After the usual greetings were exchanged, Mr. Ehrlichman said something very close to, "John has something that he wants to turn over to you." I then noticed that Mr. Dean had in his hands two white manila, legal-size file folders. It is my recollection that these folders were not in envelopes at this time.

Mr. Dean then told me that these files contained copies of sensitive and classified papers of a political nature that Howard Hunt had been working on. He said that they have national security implications or overtones, have absolutely nothing to do with Watergate and have no bearing on the Watergate investigation whatsoever. Either Mr. Dean or Mr. Ehrlichman said that these files should not be allowed to confuse or muddy the issues in the Watergate case.

I asked whether these files should become a part of our FBI Watergate file. Mr. Dean said these should not become a part of our FBI Watergate file, but that he wanted to be able to say, if called upon later, that he had turned all of Howard Hunt's files over to the FBI.

I distinctly recall Mr. Dean saying that these files were "political dynamite," and "clearly should not see the light of day."

It is true that neither Mr. Ehrlichman nor Mr. Dean expressly instructed me to destroy the files. But there was, and is, no doubt in my mind that destruction was intended. Neither Mr. Dean nor Mr. Ehrlichman said or implied that I was being given the documents personally merely to safeguard against leaks. As I believe each of them testified before this committee the White House regarded the FBI as a source of leaks. The clear implication of the substance and tone of their remarks was that these two files were to be destroyed and I interpreted this to be an order from the counsel to the President of the United States issued in the presence of one of the two top assistants to the President of the United States.

It is my recollection that I asked for large brown envelopes in which to place the files. I believe that Mr. Dean stepped briefly into the outer office to obtain the envelopes and placed each file in a separate brown envelope in Mr. Ehrlichman's inner office and handed them to me.

Although my memory is not perfectly clear on this, I believe Mr. Dean then left Mr. Ehrlichman's office and I stayed for 5 or 10 minutes

at this meeting, and what it was General Walters was going to go and talk to Mr. Gray about.

Senator ERVIN. I think this may be an appropriate time to recess for lunch.

Mr. WILSON. Mr. Chairman, may I inquire about the schedule. Mr. Haldeman is our next witness and I would like to ask would you suggest that he be here at 2 o'clock? He has a statement which would take no longer than 2 hours to read and I would suggest that he read it the same day.

Senator ERVIN. I would suggest that he come in at 3 o'clock. I think we can finish with Mr. Ehrlichman at that time. I don't know whether we can or not.

[Whereupon at 12:30 p.m., the committee recessed to reconvene at 2 p.m. on the same day.]

AFTERNOON SESSION, MONDAY, JULY 30, 1973

Senator ERVIN. The committee will come to order.

Counsel will resume the interrogation of the witness.

Mr. DASH. Mr. Ehrlichman, following the meeting that you had on June 23 with Mr. Walters, Mr. Helms, and Mr. Haldeman, did you instruct Mr. Dean to contact Mr. Walters and follow up on the June 23 meeting?

Mr. EHRLICHMAN. No, sir. I simply notified Mr. Dean that there had been a meeting, that General Walters was going to be talking with Mr. Gray, and that we had indicated to General Walters that Mr. Dean would be his contact from that point forward.

Mr. DASH. Did there come a time when General Walters did call you and tell you that he was going to have a meeting or that Dean had contacted him and was it all right for him to speak to Mr. Dean?

Mr. EHRLICHMAN. It either happened that way or I told him at the time of the meeting on the 23d that Dean would be his contact, one or the other, but I am quite sure that I indicated to General Walters that Dean was the White House man who was looking after this whole subject.

Mr. DASH. Were you aware that Mr. Dean did in fact meet with General Walters on June 26?

Mr. EHRLICHMAN. No, I was not aware of those meetings.

Mr. DASH. There were a series of meetings?

Mr. EHRLICHMAN. Yes, I understand there were, and I was not aware of that series of meetings until just recently.

Mr. DASH. And Mr. Dean did not report to you on them?

Mr. EHRLICHMAN. No, he did not.

Mr. DASH. Now, on June 28, 1972, you met with Mr. Dean and Mr. Gray, and we have had some testimony on that, and on that same day you had two earlier meetings with Mr. Dean. Do you recall what the two earlier meetings were about before the meeting with Mr. Dean and Mr. Gray?

Mr. EHRLICHMAN. Not specifically. I surmised that one of them was simply an informational meeting knowing that I was about to leave town for an extended period of time. As I recall, there was a conversation and whether it was by meeting or whether it was by telephone, I cannot recall, but on the same day that we met with Pat Gray I am

quite sure we had a conversation about turning over the contents of Hunt's safe to Mr. Gray.

Mr. DASH. All right.

Then, you had your meeting with Mr. Gray and I think you have already testified to the circumstances under which a particular packet or envelope was turned over to Mr. Gray.

Mr. EHRLICHMAN. Right.

Mr. DASH. I think we have had full testimony on that.

Now, by the way, did you know at the time the packet of materials was turned over to Mr. Gray what was contained in the packet?

Mr. EHRLICHMAN. No.

Mr. DASH. Had you been told by Mr. Dean they were sensitive materials, politically sensitive materials?

Mr. EHRLICHMAN. Yes.

Mr. DASH. I think you testified in response to a question of Mr. Gurney on page 5438 of the testimony, Senator Gurney asked you: "Did you ever have any communication with Mr. Gray about these documents after this meeting?" and referring to the June 28 meeting and you answered, "Yes, sir." And Senator Gurney said, "And recount it to the committee," and your answer was:

> That was in April of this year that we had a conversation. The President asked me to telephone Mr. Gray. It was a Sunday night and it was the 15th of April about 10:15 p.m. I was in the President's EOB office, and he had a meeting that day with Mr. Kliendienst. The subject of these documents came up at this meeting.

Then, you were asked to call Mr. Gray. You referred to that telephone call. You said:

> I told him at that time that the delivery of the documents to him

to Mr. Gray,

> had been the subject of this conversation between the Attorney General and the President that Mr. Dean apparently had told the prosecuting attorney about the fact that he had made the delivery. Mr. Gray said, "Well, he cannot do that." and I said "well, he did say that," and he said "if he says that I will deny it," and I said "well, Pat, it isn't a subject for denial. Obviously, it is not something you can deny. I recall the episode very clearly," and well. he says "You have got to back me up on this," and he went on to say "I destroyed the documents."

I think at that point you said you were nonplussed about it and you hung up. Then you decided, after talking to the President, that perhaps you had not made it clear that you were not going to back him up and you called him back and without my reading the testimony, you made it very clear to him that if you had to go to testify you would tell the truth about that.

Now, is it not true, Mr. Ehrlichman, this was not the next time that you had a conversation with Mr. Gray about those documents? That at the April 15 meeting, did not Mr. Gray——

Mr. EHRLICHMAN [interrupting]. The next time——

Mr. DASH [interrupting]. The question put by Senator Gurney that after the June 28 meeting, did you have again occasion to talk about those documents with Mr. Gray, and your answer was——

Mr. EHRLICHMAN [interrupting]. I see.

Mr. DASH [continuing]. The April 15 phone call.

Mr. EHRLICHMAN. You are referring to the rather oblique reference in Mr. Gray's phone report to me about his confirmation hearings perhaps, and that is correct.

Senator GURNEY. Well, let us get, then to—that is clear enough. Let us get to the Gray papers. As I understand your testimony now, Mr. Dean did raise these sensitive papers. If they were just filed away in the FBI regular files and somebody got to them, why, it would be very embarrassing to a lot of people.

Mr. EHRLICHMAN. That is what he said.

Senator GURNEY. What happened to those papers? Tell your version of the story from his first telling you that these were sensitive papers to where he tells you something different about them?

Mr. EHRLICHMAN. He agonized for several days about what to do with this situation. I was not involved in a lot of conversations with him about it. He was gone a couple of days during this interval because the river was flooding on account of Agnes hurricane. His house was near the river and so he was just out of the play for a couple of days during that particular time. He was moving his furniture up and putting up sandbags and whatnot.

So he came back from that interlude and said he thought he had an idea as to how to solve this problem and that would be to deliver these documents in two parcels—one parcel to the field office and the other parcel to Pat Gray. I certainly concurred in that suggestion. It seemed to me like a good way of making sure that the documents did not leak as long as Mr. Gray held on to them.

Senator GURNEY. This was his suggestion to turn them over to Gray?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. And then what happened?

Mr. EHRLICHMAN. Then, I said that either I would get Mr. Gray to come over, but I think what I said to him was Mr. Gray was coming over that day for another appointment and why didn't he just bring them over when Pat Gray was there and deliver them to him, so two of us could say that the delivery had been made and we would put an end to this evidentiary chain, so to speak.

Senator GURNEY. I understand that he did come over and he did bring the documents and Gray and he and you were there. Then, what happened?

Mr. EHRLICHMAN. We were there. He said, "Pat, I would like to give you these." The sense of it was that these were contents of Hunt's safe that were politically sensitive and that we just could not stand to have them leaked. I do not know whether he had talked to Gray before or not, because Gray seemed to understand the setting and the premise, so to speak. And he turned the documents over to him and John Dean then left.

Senator GURNEY. Did you say nothing during this whole meeting?

Mr. EHRLICHMAN. I probably chimed in on the subject of leaks, which was then kind of a—was a theme that I was hitting with Mr. Gray right along. And as I have testified before, I do not recall the specific language that was used. The sense of the conversation between the three of us, which was not a long conversation, was that the purpose of Pat Gray taking delivery of these was to avoid the leak problem which all of us recognized that the FBI was having.

Senator GURNEY. Well, I seem to recall there was some testimony about, to Gray by someone, either Dean or you, that these documents should never see the light of day. Do you recall that?

Mr. DEAN. The only other occasion I recall anybody else looking at the files is when Mr. Dick Moore who was Special Counsel to the President was instructed by Mr. Ehrlichman to prepare himself to deal with the leaking stories on the Segretti related matters and at that time Mr. Moore was given those documents to look at, and worked with those documents as they related to Segretti, Kalmbach, and Chapin, and Mr. Strachan.

Senator GURNEY. Didn't Mr. Chapin and Mr. Strachan look at them, too?

Mr. DEAN. No, sir, they did not. I never showed them to any witness. In fact I was requested, and I told the people who had been interviewed that I didn't think it was something I could show them, and I would generally just talk in general about it. I do recall when they were reinterviewed by the FBI the FBI themselves showed them their original 302's.

Senator GURNEY. Don't you think it was a serious breach of faith to show these 302 files to other people, a breach of faith to Mr. Gray?

Mr. DEAN. Yes. I think it can be interpreted that way.

Senator GURNEY. Let's go to the matter of the Hunt material that was turned over to Mr. Gray.

Now, as I understand it some material was turned over to the FBI but certain materials were held out; is that correct?

Mr. DEAN. That is correct.

Senator GURNEY. What were they?

Mr. DEAN. Well, I tried in my statement to catalog what I can recall that I saw amongst those documents. This was a combined effort to extract this material by Mr. Fielding and myself. Sometimes when Mr. Fielding was going through it he would make reference to something and at one point in time I decided we ought to extract all of these documents and put them in one place, and Mr. Fielding did that for me and put them in envelopes and they were subsequently stored in my safe until the time they were turned over to Mr. Gray.

So, I cannot——

Senator GURNEY. I thought you testified that you carried some of these around in the trunk of your car?

Mr. DEAN. No, sir, that was not, those were not documents. That was the briefcase that was found in Mr. Hunt's safe. That was a rather large, oh, like so.

Senator GURNEY. Wasn't that the material that was turned over to Gray?

Mr. DEAN. No, sir, it was not.

Senator GURNEY. What was turned over to Gray?

Mr. DEAN. Two envelopes containing sensitive political documents.

Senator GURNEY. And what—that was turned over at a meeting in Mr. Ehrlichman's office, is that right?

Mr. DEAN. That is correct.

Senator GURNEY. And you were present and Mr. Gray was present.

Mr. DEAN. That is correct. You will recall I had been instructed to "deep-six" and shred documents. I had to come up in my own mind with a persuasive argument for Mr. Ehrlichman as to why not to "deep-six" and destroy documents. I decided the best way to persuade him was to tell him that there was a chance that the men who had drilled the safe had seen it, that the Secret Service agent who was present at the time

of the drilling had seen it that Mr. Fielding and Mr. Kehrli had been there and had seen it and, of course, Mr. Fielding had gone through all of the documents and for all those people to be quizzed by the FBI would result in an awful lot of lying.

Senator GURNEY. Was it your suggestion to turn these papers over to Mr. Gray?

Mr. DEAN. Yes, it was because I told Mr.——

Senator GURNEY. Why did you suggest this?

Mr. DEAN. I told Mr. Ehrlichman that if I were ever asked I wanted to be able to testify that I turned everything over to the FBI and subsequently when that came up and they were getting more specific with that I told——

Senator GURNEY. What was the conversation in the office at the time the documents were turned over to Mr. Gray?

Mr. DEAN. Well, it was a very brief conversation and, as I say, my encounter during that was very short. I had preceded Mr. Gray, as I recall the sequence, to Mr. Ehrlichman's office. Mr. Ehrlichman informed me he was going to meet with him and said, "Bring the documents over."

I brought the documents over and laid them on a coffee table in Mr. Ehrlichman's office.

Senator GURNEY. Didn't you and Ehrlichman agree to set up the meeting?

Mr. DEAN. I have the impression Mr. Ehrlichman was going to meet with Mr. Gray on something else. That it was not specifically on this subject.

Senator GURNEY. I thought you said you suggested to Mr. Ehrlichman that you have a meeting with Gray to turn the documents over to him.

Mr. DEAN. I suggested we turn them directly over to Mr. Gray, and Mr. Ehrlichman, and after I turned the rest of the material over and I was still holding this I thought we ought to get the remainder over, called—that happened on a Thursday or Friday, over the weekend. I said—there is a delay here—and called Ehrlichman on Monday and he said, "I am meeting with Mr. Gray this evening, why don't you bring the documents over then," something of that nature.

Senator GURNEY. Now then, what transpired when they were turned over?

Mr. DEAN. As I said, I took the documents and had a very brief discussion with Ehrlichman. I laid them on the coffee table in Ehrlichman's office. Mr. Gray was called up from the reception area, came in and Mr. Ehrlichman made the initial—initially raised the matter, and said something to the effect that these are materials from Mr. Hunt's safe, I believe Dean has turned over other material to the Bureau directly.

Senator GURNEY. Did you have any discussion with Mr. Ehrlichman when you brought the documents in and laid them on the coffee table?

Mr. DEAN. I am sure there was.

Senator GURNEY. What was——

Mr. DEAN. About this was the way I could very easily handle the situation if I was ever asked, if Mr. Gray had been useful and seen them.

Senator GURNEY. Did you discuss with Mr. Ehrlichman what you might be going to tell Mr. Gray?

Mr. DEAN. I was going to tell him that I did not think these related to the Watergate incident, which I did not.

Senator GURNEY. No, I am talking about the papers. The purpose of the meeting was to turn some very sensitive documents over to Mr. Gray.

Mr. DEAN. Yes.

Senator GURNEY. So you could get rid of them and Mr. Ehrlichman could get rid of them.

Now, prior to his coming into the office, I understand that you went in and took the papers in and laid them down. My question is, did you have any discussion with Mr. Ehrlichman at that time to what you were going to tell Mr. Gray when you turned the papers over—or when he turned them over?

Mr. DEAN. It was pretty well understood what the meeting was for, so it was not necessary to have any extended discussion other than the fact that the documents were very politically sensitive, that as I recall, I called them political dynamite when I raised them with Gray, that he should take custody of them, and that that would be the way to handle it as far as the White House was concerned. I do not recall any discussion of telling Mr. Gray to destroy the documents.

Senator GURNEY. You and Mr. Ehrlichman must have had, certainly, some feeling that Mr. Gray was not going to take this back to the FBI and put it in the files somewhere.

Mr. DEAN. Well, he was told that they should never be leaked or be made public, something to that effect, yes.

Senator GURNEY. Well, did you discuss something to that effect before he came in the office?

Mr. DEAN. Well, Senator, if we did, I have certainly no recollection of it at this time. As I recall the transaction, it was brief, I came over immediately preceding the meeting, Gray was called up, there was this brief conversation. Gray was virtually en route up. He came in. This was explained to him. He at that point in time, as I recall, placed the documents in a small sort of briefcase—not really a briefcase, but one of these thin legal briefcases that he placed the documents in, and seemed quite willing to take them. He did not have a lot of hesitancy and he seemed to understand that indeed, this was an appropriate procedure, although an unusual one.

Senator GURNEY. And what was precisely the thing that was said to Mr. Gray about the documents?

Mr. DEAN. Was said to him? Well, I can recall that Ehrlichman told him that they were from Mr. Hunt's safe and that they were very politically sensitive. I then explained to him that we had turned the rest of the material over to the agents. However, these were political dynamite and if they ever leaked, it would just be a very serious problem for the President during the reelection year.

Senator GURNEY. Was there not something about the light of day in that conversation?

Mr. DEAN. That is possible. I do not recall it now, what particular language I used. I think I conveyed to the committee the—if I used that particular term at that time, that does not necessarily strike me as one of my normal phrases.

Senator GURNEY. Well, to the best of your recollection, what did you say to Mr. Gray?

Mr. DEAN. As I say, to the best of my recollection, I cannot recall the precise words, but other than the fact that the material had come from Hunt's safe, to the best of my knowledge, it did not relate to the Watergate; if it leaked, that these documents were political dynamite, that if they leaked or became public, it would cause great embarrassment and great problems.

Senator GURNEY. Did you ever call Mr. Gray about these documents after that meeting?

Mr. DEAN. I cannot recall calling him. I recall, as I testified, I believe yesterday, I had discussed this with counsel, that I had a conversation at some time with Mr. Gray in his office, in which he told me that he had taken the documents to Connecticut. He said he was either going to read them or had read them. I just cannot recall which it was that he said, because it was a passing conversation.

Senator GURNEY. You do not recall two conversations with Mr. Gray, either meeting with him in his office or he in your office or over the phone, asking him what he had done with the documents?

Mr. DEAN. The first time—well, as I say, this one occasion, as I recall, was in his office when he indicated to me that he had taken them to Connecticut.

Senator GURNEY. That was the result of your question asking him what he had done with them; is that right?

Mr. DEAN. No; as I recall, he volunteered that, that he had taken them to Connecticut.

Senator GURNEY. Well, what were you discussing at that meeting with him? What was the purpose of the meeting?

Mr. DEAN. I do not recall. It could have been on the leak problems that we were having.

Senator GURNEY. But you do recall in the meeting that he said, I have taken the documents to Connecticut?

Mr. DEAN. If you gave me a specific date on what meeting you might be referring to——

Senator GURNEY. I do not really know myself. I am trying to find out.

Mr. DEAN. As I say, five dates, I can generally put them in the sequence of what I was doing at a given time or what a given concern was. I do recall a meeting in Gray's office that this came up, he told me that he had taken them to Connecticut, I am not clear whether he said he had read them or was going to read them or anything of this nature.

Senator GURNEY. Did you ever ask him again on any occasion what he had done with the documents?

Mr. DEAN. Yes, I did. After I had disclosed this matter to Mr. Petersen, I recall that I was at luncheon at the Justice Department. This was probably in early January. At that time, Mr. Gray came up to me and sort of took me by the arm and said, John, you have got to hang tight on not disclosing these documents. And I said nothing to him.

I said, I understand, and that was—but at the time, I had been questioned by the prosecutors. I felt I had to tell Mr. Petersen because if I was going to go forward, that very fact was going to come out.

[P R O C E E D I N G S]

THE DEPUTY CLERK: Criminal Action No. 1827-72, United States of America versus E. Howard Hunt, James W. McCord, Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and Virgilio R. Gonzalez.

Mr. Philip Lacovara and Mr. Richard Ben-Veniste, counsel for the government.

Mr. Sidney Sachs, counsel for Mr. Hunt.

Mr. Bernard L. Fensterwald, counsel for Mr. McCord.

Mr. Daniel E. Shultz, counsel for Messrs. Barker, Martinez, Sturgis and Gonzalez.

THE COURT: Mr. Shultz --

MR. SHULTZ: Yes, Your Honor.

THE COURT: As to the defendants whom you represent, do you waive their right to be present here today?

MR. SHULTZ: Yes, I do, Your Honor.

THE COURT: Mr. Shultz, I will hear you with reference to the motion filed by your clients to withdraw their pleas of guilty. I will allow you one half-hour and then I will allow the Government one half-hour to answer.

MR. BEN-VENISTE: May I make a brief statement of facts?

THE COURT: Yes.

MR. BEN-VENISTE: Your Honor, this is in connection with the motion made by the defendant Hunt and it relates to

evidence which has recently come into our possession from John W. Dean III. As you know, Your Honor, Mr. Dean pleaded guilty on October 19th before this Court and following that time we had occasion to interview him from time to time but the developments over the last few weeks inhibited us to some extent from doing that as thoroughly as we would like. However, last Friday, while we were in Court, members of our staff interviewed Mr. Dean and questioned him with respect to the contents of Mr. Hunt's safe. This was the first occasion on which members of the Special Prosecution Force had the opportunity to question him about this matter. Mr. Dean related that at some time in late January, 1973, he discovered a file folder in his office containing the President's estate plan, two cloth-bound notebooks with cardboard covers and lined pages containing some handwriting. Dean at that time recalled that these had come from Howard Hunt's safe. Dean did not look at the contents and cannot recall what might have been in them. He assumed it related to the Ellsberg break-in. He shredded both notebooks in his shredder.

At the same time he also discovered a pop-up address book containing some names with each page x-d out in ink. Dean threw this pop-up notebook into the waste basket at the time. These are facts, of course, which defense counsel should know about. We are apprising the Court of them at this time for that purpose. It is out belief that this does not alter our

46. On June 30, 1972 the President met with H. R. Haldeman and John Mitchell. A portion of their discussion related to the Watergate break-in.

Page

46.1 Tape recording of a portion of a meeting among the President, H. R. Haldeman and John Mitchell on June 30, 1972 and House Judiciary Committee transcript thereof.....514

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF EXCERPTS FROM A RECORDING OF A MEETING AMONG THE PRESIDENT AND H. R. HALDEMAN AND JOHN MITCHELL ON JUNE 30, 1972

HALDEMAN: Well, there maybe is another facet. The longer you wait the more risk each hour brings. You run the risk of more stuff, valid or invalid, surfacing on the Watergate caper -- type of thing --

MITCHELL: You couldn't possibly do it if you got into a --

HALDEMAN: -- the potential problem and then you are stuck --

PRESIDENT: Yes, that's the other thing, if something does come out, but we won't -- we hope nothing will. It may not. But there is always the risk.

HALDEMAN: As of now there is no problem there. As, as of any moment in the future there is at least a potential problem.

PRESIDENT: Well, I'd cut the loss fast. I'd cut it fast. If we're going to do it I'd cut if fast. That's my view, generally speaking. And I wouldn't -- and I don't think, though, as a matter of fact, I don't think the story, if we, if you put it in human terms -- I think the story is, you're positive rather than negative, because as I said as I was preparing to answer for this press conference, I just wrote

- it out, as I usually do, one way -- terribly sensitive [unintelligible]. A hell of a lot of people will like that answer. They would. And it'd make anybody else who asked any other question on it look like a selfish son-of-a-bitch, which I thoroughly intended them to look like.

* * *

MITCHELL: [Unintelligible] Westchester Country Club with all the sympathy in the world.

PRESIDENT: That's great. That's great.

MITCHELL: [Unintelligible] don't let --

HALDEMAN: You taking this route -- people won't expect you to -- be a surprise.

PRESIDENT: No -- if it's a surprise. Otherwise, you're right. It will be tied right to Watergate. [Unintelligible]tighten if you wait too long, till it simmers down.

HALDEMAN: You can't if other stuff develops on Watergate. The problem is, it's always potentially the same thing.

PRESIDENT: Well if it does, don't just hard-line.

HALDEMAN: [Unintelligible] That's right. In other words, it'd be hard to hard-line Mitchell's departure under --

PRESIDENT: That's right. You can't do it. I just want it to be handled in a way Martha's not hurt.

MITCHELL: Yeah, okay.

47. On July 2, 1972 Fred Fielding, staff assistant to John Dean, flew to England, where Kathleen Chenow was vacationing, to bring Chenow back to Washington. On or about July 3, 1972 Chenow discussed her forthcoming FBI interview with Fielding and Plumbers Unit member David Young. Dean and Fielding were present when the FBI interviewed Chenow.

Page

47.1 John Dean testimony, 3 SSC 941.....518

35-780 O - 74 - 34

formed the general pattern that was followed with other members of the White House staff, that is I would discuss with the person before the interview what I throught the agents would be interested in and then discuss that person's area of knowledge. I had reviewed this procedure with Ehrlichman, who fully concurred in the procedure. On several occasions, Mr. Fielding of my office also participated in preparing witnesses for their interviews with the FBI. Contrary to some accounts that I sat in on some 14 to 18 interviews at the White House, the only interviews I recall sitting in on were Chapin's, Miss Chenow's, Colson's, Ehrlichman's, Miss Joan Hall's, Strachan's, Timmons', and Young's. Also I was present when Fielding, Kehrli, and I had a discussion with the FBI about the handling of the materials in Hunt's safe.

The only FBI interview that differed from the normal pattern was the interview of Miss Chenow. It was in late June that Miss Chenow's former roommate notified David Young and I believe also Bud Krogh that the FBI had been to see her and requested to know where Miss Chenow was. The former roommate had said that the agents had asked about a telephone listed in Miss Chenow's name. The roommate had informed the FBI that Miss Chenow was in London on vacation. David Young came to see Fielding and I and said that this girl could not know anything about the Watergate, but could cause the White House problems by inadvertently answering questions about the plumbers' operation, where she had been employed, and that the telephone had been listed in her name in connection with the plumbers' operation. Mr. Young was very concerned about Miss Chenow being caught off guard by an FBI agent. Accordingly, I notified Gray that we would make arrangements to have Miss Chenow available to the agents in Washington within a few days.

I discussed the problem, that Chenow could cause the White House problems, with Ehrlichman and suggested that someone bring her back from London for the interview and explain to her that she should not get into Hunt's and Liddy's activities while at the White House. Ehrlichman fully agreed and I called Fielding from Ehrlichman's office and told him he should be on the next plane to London to get the girl. The two first-class round-trip tickets were paid for by the White House. There were two sets because Miss Chenow was provided transportation back to London. I informed Kehrli, who would not authorize such a trip on my word alone, that I had cleared this with Ehrlichman. I do not know if Kehrli himself checked with Ehrlichman or Haldeman. I believe it was on July 2 that Fielding left for London and returned with Miss Chenow the next day. He did have some problem because the address that had been given him was incorrect. Fielding and Young briefed Miss Chenow when she came back before her interview, and Fielding and I were present when the FBI interviewed her.

I will now turn to my first meetings with Mr. Gray, beginning on page 66 regarding the investigation.

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

48. On July 5, 1972 at 5:54 p.m. Acting FBI Director Gray phoned Deputy CIA Director Walters and stated that, unless the CIA provided by the following morning a written rather than the verbal request to refrain from interviewing Manuel Ogarrio and Kenneth Dahlberg, the FBI would go forward with those interviews. At 10:05 a.m. on July 6, 1972 Walters met with Gray and furnished Gray a memorandum indicating that the CIA had no interest in Ogarrio or Dahlberg. Gray then ordered that Ogarrio and Dahlberg be interviewed. At 10:51 a.m. Gray called Clark MacGregor, Campaign Director of CRP, who was with the President at San Clemente, California. Gray has testified that he asked MacGregor to tell the President that Gray and Walters were uneasy and concerned about the confusion during the past two weeks in determining whether the CIA had any interest in people whom the FBI wished to interview in connection with the Watergate investigation. Gray also has testified that he asked MacGregor to tell the President that Gray felt that people on the White House staff were careless and indifferent in their use of the CIA and FBI, that this activity was injurious to the CIA and the FBI, and that these White House staff people were wounding the President. MacGregor has denied both receiving this call and the substance of it as related by Gray, but has testified to receiving a call from Gray on another subject the previous evening or possibly that morning. (By letter of July 25, 1973 to Archibald Cox, J. Fred Buzhardt stated that the President's logs do not show any conversations or meetings between the President and Clark MacGregor on July 6, 1972. The President's log for that date shows meetings between the President and MacGregor

from 10:40 a.m. to 12:12 p.m., Pacific time.) At 11:28 a.m. the President telephoned Gray. Gray told the President that he and Walters felt that people on the President's staff were trying to mortally wound the President by using the CIA and the FBI. The President responded by instructing Gray to continue to press ahead with the investigation.

Page

48.1 L. Patrick Gray log, July 5, 1972 (received from SSC).....521

48.2 L. Patrick Gray testimony, 9 SSC 3457-58.....522

48.3 L. Patrick Gray log, July 6, 1972, 1-2 (received from SSC).....524

48.4 Vernon Walters testimony, 9 SSC 3413-14.....526

48.5 Vernon Walters memorandum for record, July 6, 1972, SSC Exhibit No. 97, 7 SSC 2913-14.....528

48.6 Memorandum from Vernon Walters to Acting Director of the FBI, July 6, 1972, SSC Exhibit No. 142, 9 SSC 3850-52.....530

48.7 Clark MacGregor testimony, 12 SSC 4914-19.....533

48.8 Letter from Archibald Cox to J. Fred Buzhardt, July 10, 1973 and letter from J. Fred Buzhardt to Archibald Cox, July 25, 1973 (received from Watergate Special Prosecution Force).....539

48.9 President Nixon daily diary, July 6, 1972, 1-3 (received from White House).....544

48.10 John Ehrlichman testimony, 7 SSC 2783-84.....547

48.11 President Nixon statement, May 22, 1973, 9 Presidential Documents 693, 696.....549

48.12 L. Patrick Gray testimony, Watergate Grand Jury, July 19, 1973, 101-03 (received from Watergate Grand Jury).....551

48.1 L. PATRICK GRAY LOG, JULY 5, 1972

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

DATE Wed., July 5, 1972

Time	Caller	VIA	Action	Initials
935	Messrs. Kinley, Callahan, Bassett, Hunsinger & Davis (Scripps-Howard)	Pers	Saw Mr. Gray	RET
1022	Mr. Richard Staenes	Pers	Saw Mr. Gray	RET
1029	Mr. Gray	Tele	Spoke to Saw Ash, Buffalo	RET
1114	Mr. & Mrs. Charles Filmer Son: Paul	Pers	Saw Mr. Gray	RET
	Mother-Bond Marriage			
	Twin Sons: Iain & Roger			
	Bureau Professionals			
1122	Deputy AG Ralph Erickson	Tele	Spoke to Mr. Gray	RET
1123	Mr John W. Dean III	Tele	Left Word	PCS
258	Mr. Gray	Tele	Spoke to Mr John W. Dean	PCD
300	Mr. John W. Dean	Tele	Spoke to Mr. Gray	PCD
314	Insp. Philip T. Buchen	Pers	Saw Mr. Gray	PCS
	Asst. Director Marshall			
321	(Deputy Undec, Mgmt, State Dept.) Mr. William B. McComber, Jr.	Tele	Rec'd. Mr. Gates	RET
6-07	Mr. Gray	Tele	Spoke to Deputy Director Mitchell, CIA	PCS
601	Mr. John W Dean	Tele	Spoke to Mr. Gray	PCS
931	Office Closed			PCS

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

DR

the conflicts to date in CIA interest or not, and the compartmentalization alleged to exist in CIA.

Mr. Dean called at 2:40 p.m. and I merely told him that I was in a meeting and that I would return his call.

In this meeting I stated that I was not going to hold off any longer on this phase of our investigation at the request of anyone unless I received from CIA a written request not to interview Mr. Ogarrio and Mr. Dahlberg.

I returned Mr. Dean's call at 3:59 p.m., and he called me again at 4:14 p.m. I believe it quite likely that in one of these phone calls I told Mr. Dean that the FBI was going to interview Ogarrio and Dahlberg unless we had a writing from the CIA requesting that we not do so.

On Wednesday, July 5, at 5:54 p.m., I telephoned General Walters. My contemporaneous notes of this call read as follows:

7-5-72 Wed—5:55 p.

TCT General Walters.
(Dick Walters)

1. I will need a request in writing rather than the verbal request to refrain from interviewing Ogarrio and Dahlberg because of CIA interest.

2. Position of developing investigation indicates there is CIA involvement in that some of these men have been used by CIA in part and there is indication some are currently being used; there is the dollar chain either CIA or political; I do not want to uncover and surface a CIA national security operation in pursuing these leads, but I must for the record have in writing from CIA a request to refrain on the basis of national security matters or I must proceed.

3. He stated that he would respond not later than 10 a.m., tomorrow.

4. I said that I would order the interviews if I did not have the writings by 10 a.m.

At the bottom of this telephone memorandum I have written "gave above info to JWD, WMF, CWB, from 6 p to 6:10 p.," and those men are Messrs. Dean, Felt, and Bates.

At this point I would like to comment on General Walters' memorandum of this phone call which I believe is in evidence before this committee.

With respect to General Walters' statement that I told him that "the pressures" on me "to continue the investigation was great," I am quite certain that I did not so express myself. It is entirely possible, however, that on the limited question of the alleged impact of the investigation on CIA/national security matters, the only topic General Walters and I were discussing, I may have expressed the thought that the leads to Messrs. Ogarrio and Dahlberg were clear and that their interviews were a necessity which only the clearest expression of national security interest should prevent and that the FBI, for the sake of its own integrity, would refrain from conducting the interviews only if we received such a written request from the CIA.

With respect to General Walters' statement that "he [Gray] had talked to John Dean," while I have no specific recollection of telling General Walters that I had talked to John Dean, it is entirely likely that I did tell General Walters that I had informed Mr. Dean that the FBI was going to interview Messrs. Ogarrio and Dahlberg unless we had a writing from the CIA requesting that we not do so.

On Thursday, July 6, 1972, I met with General Walters in my office. I remember that he delivered to me the writing that I requested and I remember that it indicated the CIA had no interest in Ogarrio or Dahlberg. After reading the document, I concluded that there was no reason for us to not interview Messrs. Ogarrio and Dahlberg. When General Walters departed my office at about 10:25 a.m. or 10:30 a.m., I ordered the interviews of Ogarrio and Dahlberg immediately.

My recollection of the conversation with General Walters at this meeting differs with his in several respects.

My principal recollection is his preoccupation with the fact that he was unable to give me a writing stating that there was a CIA interest in Ogarrio and Dahlberg and his telling me that he would resign if he were asked or directed to give me such a writing. He reported this thought to me several times during our conversation.

I recall that General Walters indicated a feeling of irritation and resentment at the extent to which White House aides had involved themselves in the question of CIA interest but I do not recall his giving me any details and I have absolutely no recollection of his disclosing to me that he had been instructed to bring a false report to me. I asked for no details.

I, too, was concerned and disturbed at the contradictory reports I had been receiving from Director Helms, Mr. Dean, and General Walters with respect to CIA interest and at the abrupt cancellation by Mr. Ehrlichman of the meeting I had scheduled with Director Helms and General Walters on June 28. I undoubtedly so expressed myself to General Walters.

My recollection is that he and I then engaged in a general discussion of the credibility and position of our respective institutions in our society and of the need to insure that this was maintained. Toward the end of the conversation, I recall most vividly that General Walters leaned back in the red overstuffed leather chair in which he was sitting, put his hands behind his head and said that he had come into an inheritance and was not concerned about his pension, and was not going to let "these kids" kick him around any more.

We stood up together as he prepared to leave. I cannot recall which one of us suggested that we ought to call the President to tell him of this confusion and uncertainty that had been encountered in determining CIA interest or no CIA interest. I believe it was General Walters who suggested it first, because I can firmly recall saying to him, "Dick, you should call the President, you know him better than I." I believe he said, "No, I think you should because these are persons that FBI wishes to interview." We did not settle on who, if anyone, would make such a call and General Walters left.

At this point I would like to comment on some aspects of General Walters' memorandum of our meeting of July 6.

(a) With respect to General Walters' assertion in paragraph 1 that "in all honesty I—Walters—could not tell him to cease future investigations on the grounds that it would compromise the security interests of the United States. Even less so could I write him a letter to this effect."

We did not at any time discuss a curtailment of the entire investigation. In our telephone conversation on July 5 I had asked him specifically about Messrs. Ogarrio and Dahlberg and had said to him that in

48.3 L. PATRICK GRAY LOG, JULY 6, 1972, 1-2

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

DATE THUR., JULY 6, 1972

Time	Caller	VIA	Action	Initials
9 16	SA CORBETT E. HART, JR.	PERS	SAW MR. GRAY	RET
"	MR. BATES	"	"	"
9 26	MR. KEITH CLEARWATER	PERS	SAW MR. GRAY	RET
9 46	SA LAWRENCE T. GURLEY	PERS	SAW MR. GRAY	RET
"	BUREAU PHOTOGRAPHER	"	"	"
9 51	MISS HELEN F. HEENAUER	PERS	SAW MR. GRAY	RET
"	BUREAU PHOTOGRAPHER	"	"	"
10 05	(VIA) LT. GEN. VERNON A. WALTERS	TELE	SAW MR. GRAY	RET
10 47	MR. GRAY	TELE	MR. CLARK MACGREGOR - OUT SPOKE TO MISS JASLONSKI	RET
10 51	MR. GRAY	TELE	SAN CLEMENTE, CAL., VIA WH - SPOKE TO CLARK MACGREGOR	RET
11 00	MR. W.C. SULLIVAN	PERS	SAW MR. GRAY	RET
11 06	MR. HARRY FISHER	TELE	MR. GRAY NA - LEFT WORD	RET
11 25	PRESIDENT NIXON	TELE	SPOKE TO MR. GRAY	RET
11 39	MR. GRAY	TELE	SAC GEBHARDT, SFO - OUT SPOKE TO ASAC LUCAS	RET
11 47	(SAN DIEGO "EVENING TRIBUNE") MR. FRANK STONE	TELE	RED MR. KUNKEL	RET
12 14	(ENGLEWOOD, N.J.) MR. JACKIE KOEINSON	TELE	MR. GRAY NA - LEFT WORD TO P.C.	RET
1 14	(DOT) SEC. BENJAMIN DAVIS	TELE	MR. GRAY OUT - LEFT WORD TO P.C.	RET
1 41	MR. CHARLES E. COBB	TELE	left word to pc	pc
	(Continued on next page)			

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

DF

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

PAGE 2

FILE Mln/edm

DATE Thurs, July 6, 1972

Time	Caller	VIA	Action	Initials
2 12	"Communications Workers" Mr. John Stewart	Tele	Ref to Mr. Bishop	PEG
2 31	(NYTEE) Mr. Frank Cormier	Tele	[illegible]	PEG
1	Mr. Richard D. Wright	1	1 1	1
3 34	Insp. Philip R. McNiff	Tele	Spoke Mr. Gray	PEG
4 21	Executives Conference	---	----------	PEG
5 00	("N.Y. Times") Mr. Bob Smith	Tele	Mr. Gray Declined — Spoke to Mr. Kinley	CET
5 13	Mr. Gray	Tele	Spoke to Asst AG Henry Petersen	PEG
9 31	Office Closed			PEG

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

OR

General WALTERS. I think so, but I would just like to state Agency involvement could not be hidden because the Cubans could not be sustained. I should have corrected Mr. Dean at this point and said this was not what I was meaning. I was advancing a theory, but I did not correct him.

Mr. DASH. You have read your memorandum and I have an exact copy of the memorandum here. I would like to show it to you—dated June 29 covering your meeting with Mr. Dean on June 28—and ask you to look at it and indicate if this is a copy.

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, may I have this memorandum marked as an exhibit and received in evidence?

Senator ERVIN. It will be appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 132.*]

Mr. DASH. Did you receive, General Walters, a call from Mr. Gray on July 5?

General WALTERS. Yes.

Mr. DASH. 1972?

General WALTERS. Yes, Mr. Dash, I did. At 5:50 in the evening.

Mr. DASH. Could you tell us briefly what that call was about?

General WALTERS. I believe that Mr. Gray said to me at this point that the pressures were mounting to continue the investigation and that unless he received a written letter from Mr. Helms or from me to the effect that the further pursuit of this investigation in Mexico would uncover CIA assets or activities he would have to go ahead with the investigation. I did not wish to discuss this with Mr. Gray over the telephone. I told him I would come down and see him the first thing the next morning. This was at the end of the business day. It was at 5:50 in the evening.

Mr. DASH. Did you go down the next morning and see him?

General WALTERS. Yes, I did.

Mr. DASH. Would you briefly tell the committee what the nature of your conversation was with Mr. Gray at that time?

General WALTERS. I told Mr. Gray right at the outset that I could not tell him and even less could I give him a letter saying that the pursuit of the FBI's investigation would in any way jeopardize CIA activities in Mexico. I told him I had to be quite frank with him. I recounted the meeting with Mr. Haldeman, Mr. Ehrlichman. I told him that I had seen Mr. Dean on three occasions, that I had told Mr. Gray what Mr. Dean had told me. Mr. Gray seemed quite disturbed by this, and we both agreed that we could not allow our agencies to be used in a way that would be detrimental to their integrity.

Since I am discussing what someone else said I would like to refer here to my memorandum. Now this memorandum, unlike the others was written, I believe, on the same day that I saw Mr. Gray.

Mr. DASH. Yes, would you refer to your memorandum and read what you want from it?

General WALTERS. I think basically this was it, I said I could not give him a letter to this effect. I could not tell him this and I could not give him a letter to the effect that further investigation would compromise assets of the CIA. He said he understood this. He himself had told Ehrlichman and Haldeman that he could not possibly suppress the investigation in the matter; even within the FBI there were leaks.

*See p. 3819.

He had called in the components of his field office and chewed them out for these leaks. I said the only basis on which he and I could deal was absolute frankness and I wished to recount my involvement in the case. I told him of a meeting at the White House with Mr. Helms. I did not mention Haldeman or Ehrlichman's name. I told him that I had been directed to tell him that the investigation of this case further in Mexico could compromise some CIA activities. Subsequently, I had seen Mr. Dean, the White House counsel, and told him that whatever the current unpleasant implications of the Watergate were that to implicate the Agency would not serve the President, would enormously increase the risk to the President. I had a long association with the President, and was desirous as anyone of protecting him. I did not believe that a letter from the Agency asking the FBI to lay off this investigation on the spurious grounds that it would uncover covert operations would serve the President.

Such a letter in the current atmosphere of Washington would become known and could be frankly electorally mortal. I said quite frankly, I would write such a letter only on direction from the President and only after explaining to him how dangerous I thought his action would be to him, and if I were really pushed on this matter I would be prepared to resign. Mr. Gray thanked me for my frankness. He said he could not suppress this investigation within the FBI. He had told Mr. Kleindienst this, he had told Mr. Ehrlichman and Mr. Haldeman that he would prefer to resign, but that his resignation would raise many questions. It would be detrimental to the President's interest. He did not see why he or I should jeopardize the integrity of our organization to protect some middle-level White House figure who had acted imprudently. He was prepared to let this go to Ehrlichman, to Haldeman, or to Mitchell. He felt it was important that the President should be protected from his would-be protectors. He had explained to Dean as well as to Haldeman and Ehrlichman; he had explained this.

Finally, I said that if I were directed to write a letter to him saying the future investigation of this case would jeopardize the security of the United States in covert operations of the Agency I would ask to see the President and explain to him the disservice I thought this would do to his interest. The potential danger to the President of such a course far outweighed any protective aspects it might have for other figures in the White House and I was quite prepared to resign on this issue. Mr. Gray said this was a very awkward matter for this to come up at the outset of our tenure, he looked forward to good relations between our two agencies, thanked me for my frankness and that was it.

Mr. DASH. I would like to show you a copy we have of your memorandum of July 6, covering your meeting on July 6 and ask you if this appears to be a correct copy.

General WALTERS. Yes; it does.

Mr. DASH. Mr. Chairman, may we have this exhibit marked and received in evidence.

Senator ERVIN. This memorandum was previously marked as exhibit No. 97* and is already part of the record.

*See Book 7, p. 2913.

EXHIBIT NO. 97

6 July 1972

MEMORANDUM FOR RECORD

At 1005 on 6 July I saw Acting FBI Director L. Patrick Gray at his office. We were alone during our conversation. I handed him the Memorandum which is attached and said that it covered the entire relationship between the Watergate suspects and the Agency. In all honesty I could not tell him to cease future investigations on the grounds that it would compromise the security interests of the U.S. Even less so could I write him a letter to this effect. He said that he fully understood this. He himself had told Ehrlichman and Haldeman that he could not possibly suppress the investigation of this matter. Even within the FBI there were leaks. He had called in the components of his Field Office in Washington and "chewed them out" on this case because information had leaked into the press concerning the Watergate Case which only they had.

I said that the only basis on which he and I could deal was absolute frankness and I wished to recount my involvement in this case. I said that I had been called to the White House with Director Helms and had seen two senior staff assistants. (I specifically did not name Haldeman and Ehrlichman.) I said that we had been told that if this case were investigated further, it would lead to some awkward places, and I had been directed (the implication being that the President had directed this although it was not specifically stated) to go to Acting Director Gray and tell him that if this investigation were pursued further, it could uncover some ongoing covert operations of the Agency. I had done this. Subsequently, I had seen Mr. Dean, the White House Counsel, and told him that whatever the current unpleasant implications of the Watergate Case were, that to implicate the Agency would not serve the President but would enormously increase the risk to the President. I had a long association with the President and was as desirous as anyone of protecting him. I did not believe that a letter from the Agency asking the FBI to lay off this investigation on the spurious grounds that it would uncover covert operations would serve the President. Such a letter in the current atmosphere of Washington would become known prior to election day and what was now a minor wound could become a mortal wound. I said quite frankly that I would write such a letter only on direction from the President and only after explaining to him how dangerous I thought such an action would be to him and that, if I were really pushed on this matter, I would be prepared to resign.

Gray thanked me for my frankness and said that this opened the way for fruitful cooperation between us. He would be frank with me too. He could not suppress this investigation within the FBI. He had told Kleindienst this. He had told Ehrlichman and Haldeman that he would prefer to resign, but his resignation would raise many questions that would be detrimental to the President's interests. He did not see why he or I should jeopardize the integrity of our organizations to protect some middle-level White House figure who had acted imprudently. He was prepared to let this go to Ehrlichman, to Haldeman, or to Mitchell for that matter. He felt it important that the President should be protected from his would-be protectors. He had explained this to Dean as well as to Haldeman and Ehrlichman. He said he was anxious not to talk to Mitchell because he was afraid that at his confirmation hearings he would be asked whether he had talked to Mitchell about the Watergate Case and he wished to be in a position to reply negatively. He said he would like to talk to the President about it but he feared that a request from him to see the President would be misinterpreted by the media. I said that if I were directed to write a letter to him saying that future investigation of this case would jeopardize the security of the U.S. and covert operations of the Agency, I would ask to see the President and explain to him the disservice I thought this would do to his interests. The potential danger to the President of such a course far outweighed any protective aspects it might have for other figures in the White House and I was quite prepared to resign myself on this issue. Gray said he understood this fully and hoped I would stick to my guns. I assured him I would.

Gray then said that though this was an awkward question, our mutual frankness had created a basis for a new and happy relationship between our two Agencies. I said the Memorandum I had given him described in detail the exact measure of Agency involvement or non-involvement in this case, including information on Dahlberg and Daguerre.

He thanked me again for my frankness and confidence and repeated that he did not believe that he could sit on this matter and that the facts would come out eventually. He walked me to the door.

Vernon A. Walters
Lieutenant General, USA

2

EXHIBIT NO. 142

Mr. [illegible]
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Cooper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Walkart
Mr. Walters
Mr. Soyars
Tele. Room

6 July 1972

MEMORANDUM FOR: The Acting Director
Federal Bureau of Investigation

SUBJECT : Information Provided the Federal Bureau of Investigation Regarding the Watergate Incident

1. As a result of our conversation of 5 July, I would like to summarize the information which has been provided to you by the Agency in memorandum form (attention Mr. Arnold Parham) since the first series of memoranda on the subject beginning 20 June.

2. On 20 June separate memorandums were sent to you concerning Messrs. Frank Anthony Sturgis, Eugenio Rolando Martinez Carcaga, Bernard L. Barker and Virgilio Gonzales. The papers detailed available information on the subjects. We said that Mr. Frank Anthony Sturgis had never been recruited by the Agency, that he was a soldier of fortune but that he had been associated with an Agency contact, Mr. Eugenio Rolando Martinez Carcaga, since the early sixties. Their relationship was built on a mutual interest in Cuban exile activities. Mr. Martinez was recruited in January 1961 and has performed a variety of tasks for the Agency on Cuban matters up until June of this year. He has been on a $100.00 a month retainer since 1969. Mr. Martinez is a business associate of Mr. Bernard Barker in a real estate firm in Miami. Mr. Barker was a regular contact of the Federal Bureau of Investigation in Cuba when turned over to the Agency in mid-1959. He was used as a source of information in Cuba until evacuated in early 1960. He was hired by the Agency in 1960 for work among exile groups and was terminated by the Agency on 31 July 1966. No Agency contact has been maintained with him since that date. A thorough investigation of our files at Headquarters and by our Station in Miami has failed to turn up any information regarding Mr. Gonzales' connection with any Agency personnel or Agency-sponsored activities.

WARNING NOTICE
SENSITIVE INTELLIGENCE SOURCES
AND METHODS INVOLVED

SECRET

EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE
OF E. O. 11652, EXEMPTION CATEGORIES
52(1), (2), (3) or (4) (circle one or more)

5. In two memoranda on 21 June we informed you of our relationship with the Company and the Corporation. The utilization of Company dates back to June 1963. Mr. has provided certain sensitive cover support overseas for Agency employees. In addition, Mr. was involved in the formation of the Cuban Freedom Committee -- an activity terminated several years ago. As of 1 May 1970 Mr. Everette Howard Hunt, who had just retired from the Agency, became a legitimate employee of Mr. Mullen. In July 1971 Mr. Hunt informed the Agency he had been assigned to the White House Staff but continued to devote part of his time to the Company. The Corporation is a client of the Company. is providing certain cover support to two Agency assets overseas. Over the years sixteen officials of have been cleared on certain aspects of our interests. They have not been informed of our use of the Company. Also on 21 June, in response to a verbal request of 20 June, we informed you that a check of our records disclosed no record of Agency involvement with the Association of National Advertisers or the words " ".

4. In a separate memorandum on 21 June we advised you that a review of the duties and assignments of Mr. James McCord provided no indication that he was involved in Cuban matters and that he was not assigned to the Bay of Pigs operation. We stated, however, that he might have developed personal acquaintances which are not recorded in official personnel and security records. We have no information regarding Mr. McCord's activities with Cuban exiles since his retirement. We indicated in the same memorandum that as an Agency employee, Mr. Hunt was involved in operational activities relating to Latin American countries and was known to have had some ties to Mr. Barker. In a separate memorandum of 27 June regarding Mr. Hunt, we informed you about the issuance of the alias, Edward V. Hamilton, to Mr. Hunt on 30 September 1960. This alias was subsequently used by Mr. Hunt for several drivers licenses. We provided additional information on this subject in a memorandum of 5 July and also reported that there is no information in our files to the effect that Mr. Hunt was issued a Social Security Card or Insurance Policy bearing the name Edward J. or Edward Joseph Hamilton.

5. Further, a memorandum was sent to you on 27 June regarding peripheral Agency contact with an ex-employee of Mr. James McCord, one Mr. Mr. was used by this Agency as a translator during the period June 1969 to June 1971. He has had no affiliation with the Agency since that time other than a personal relationship with a current Agency employee. One additional memorandum was provided you on 5 July regarding a Mr. who worked for the Agency as a Contract Employee from January 1965 until his retirement on 9 August 1971. Our Office of Personnel referred Mr. to McCord Associates for employment upon retirement. He submitted a formal application but decided to accept employment elsewhere.

6. In addition to the above cited memoranda and several lesser items of information provided telephonically to Mr. Arnold L. Parham of your Alexandria office, the Director of Central Intelligence informed you orally on 27 June regarding information available to us on Mr. Manuel Ogarrio Daguerre, a Mexican national who has offices located in the same building as the Banco Internacional of Mexico City. In short, Mr. Manuel Ogarrio Daguerre has not had any operational contacts with this Agency. On 28 June the Director of Central Intelligence also informed you orally regarding our information concerning Mr. Kenneth Harry Dahlberg. The last recorded contact of the Agency with Mr. Dahlberg was in May 1961.

7. Our Office of Security is in frequent contact with members of your staff in connection with the investigations you are conducting. The above information is for your use only and should not be disseminated outside your Bureau.

Vernon A. Walters
Lieutenant General U.S.A.
Acting Director

Mr. LIEBENGOOD. In retrospect, would it be your political opinion that a coverup was a prerequisite to the reelection of the President? In other words, do you feel now that the President's candidacy could have withstood an early disclosure by, perhaps, Mr. Magruder, Mr. Dean, or Mr. Mitchell?

Mr. MACGREGOR. Had there been, in the week following the apprehension of the burglars, a disclosure of the facts that have been brought out by this committee, it would, in my opinion, have been temporarily but severely damaging to the President's reelection campaign. Instead of a 17- to 25-point margin over Senator McGovern in mid-July, my guess is that that margin would have shrunk to perhaps five points. It is my opinion that by the time of the election, in light of other events that transpired, we would have been no worse off, votewise, than we were.

But the important thing is that the President's hopes and dreams that he outlined to me in his office late on the afternoon of June 30 that he hoped to accomplish in his second term, as the country looked forward to its 200th anniversary, would not have been so severely damaged as they have been now.

Mr. LIEBENGOOD. Thank you, Mr. MacGregor. I have no further questions.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. MacGregor, let us get into the subject of the Pat Gray phone call of July 6. I wonder if you would give to this committee your version of that particular event.

Mr. MACGREGOR. To my best recollection, the call was made early in the morning of July 6 at Washington; was received by me at the Newporter Inn at Newport Beach, Calif., shortly before 11 p.m., California time, July 5. I have been asked, could I be mistaken in my recollection that the call came in just before my wife and I retired and could it have been shortly after we woke up the next morning? I suppose it is possible that my recollection is incorrect. But it is my recollection, Senator, that the call did come to me in the motel room or suite that my wife and I were occupying at the Newporter Inn just before we retired on the evening of July 5.

In any event, the call that Mr. Gray made to me was no different from the calls that I had been receiving at the rate of 50 or 60 or 70 a day during the preceding 5 days from people whom I knew, even those whom I knew slightly, who were kind enough to call and say, "Congratulations," and offer opinions and make recommendations about the campaign.

My recollection is that Mr. Gray did, very graciously, compliment me on my being appointed director and that he indicated to me that he was concerned about the impact on the campaign of the Watergate matter.

I told him I shared his concern. It is my recollection that he said it is a serious matter, and I said, "As a lawyer, Pat, I recognize that it is a serious matter. Breaking and entering is a felony and felonies are indeed serious matters."

He said, as I recall, that it will damage the President in the campaign.

I said, "Yes, it will."

Then he said, "It will damage him more seriously than you realize."

35-780 O - 74 - 35

And it is my recollection that at that time, I indicated to him: "Yes; I know it will damage him. It damaged him in the first press conference I held earlier today in Washington," before my wife and I flew to southern California at the President's request. But I said to him: "Pat, I will be back in my home in Washington tomorrow evening, because my wife and I are coming back on the nonstaff afternoon flight from Los Angeles to Dulles; we will be at home tomorrow evening; I will be in my office on Friday morning."

It is my recollection, Senator, that he spoke exclusively pertaining to Watergate, as to the campaign, and the extent to which it would hurt the campaign. It is not my recollection that he talked in any sense about "wound." If he had used the word "wound" to me, it seems to me that that word would stick in my mind and I would ask him to explain it.

He did not, to my recollection, mention the CIA to me. He did not mention the FBI. He did not mention General Walters, Dick Helms, John Ehrlichman, John Dean, or Bob Haldeman. He did indicate great concern. There was agitation in his voice. He repeated himself. And that is the substance of my recollection. I frankly expected to hear more from him when we returned to Washington the next night. We did not do so.

Senator WEICKER. Did he ask you to convey his thoughts to the President?

Mr. MACGREGOR. No; not according to my recollection. In any event, I did not do so. There was nothing about the content of his call to me; there was nothing unusual at all, except for the hour. It was similar to a great many other calls that I was receiving from people in Government, from Governors, Senators, Congressmen, national committeemen, committeewomen, and State chairmen. He may have had some complaints about White House aides. There would not have been anything unusual about that. In my position as counselor to the President for congressional relations, I got daily complaints about White House aides. And he may have made some complaints to me about White House aides of a general nature.

But he did not request me to call the President—did not request me to speak to the President. I did not call the President; I did not speak to the President about this. I guess my testimony is about that.

Senator WEICKER. That is what I would like to get into. Let us assume for the minute that your recollection is correct; that it was very late on the evening of the 5th when you received the call. Would you normally expect the Director of the FBI to call up the Republican campaign director in the wee hours of the morning—or the late evening?

Mr. MACGREGOR. No.

Senator WEICKER. Would that not raise a question in your mind as to why such a call came through then? Let us assume the time factor that you set forth.

Mr. MACGREGOR. It did. But I expected when I next heard from him, I would learn more about that.

Senator WEICKER. Did you have any other communication at all with Pat Gray during the course of the campaign in this sense of the word, aside from the normal occurrences of meeting?

Mr. MACGREGOR. No, Senator; I had no further conversations or contacts with Mr. Gray.

Senator WEICKER. Now, I wonder if you would comment on the report issued by the House Armed Services Committee on October 23 of this year. I am referring to page 21. In the committee report, it states that Mr. Ehrlichman's testimony indicates that the President called Mr. Gray at the "strong urging" of Mr. MacGregor because of Mr. Gray's concern over the FBI role in the Watergate investigation, and after the call the President had a "lingering doubt" that there was some CIA "exposure," despite assurances to the contrary. Yet, in his May 22, 1973, public Watergate statement, the President said, and I now quote the President's May 22 statement:

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on the successful handling of a hi-jacking of a Pacific Southwest Airlines plane the previous day. During the conversation, Mr. Gray discussed with me the progress of the Watergate investigation.

The committee report then continues:

Mr. Ehrlichman's testimony in that regard is pertinent.

I am now quoting from that testimony:

Mr. NEDZI. But the call was prompted by MacGregor's request?

Mr. EHRLICHMAN. By MacGregor's conveying a request from Gray to the President.

Mr. NEDZI. Or a call?

Mr. EHRLICHMAN. Yes.

Mr. NEDZI. Are you acquainted with the President's statement which he made on May 22?

Mr. EHRLICHMAN. I have read it, yes.

Mr. NEDZI. Does his account square completely with your account of that conversation?

Mr. EHRLICHMAN. I do not believe it does.

Mr. NEDZI. I did not think it did. I was just wondering whether you recognized that fact.

Mr. EHRLICHMAN. I do. I think the drafter of that statement did not have the advantage I had of my verbatim notes of the conversations—I say verbatim—I take substantially verbatim notes of my conversations with the President.

Now, in light of what is Mr. Gray's recollection in his testimony before this committee of having called you and having given substantially the same facts which—albeit there might be words left out, but certainly the import of his message—in light of his testimony before this committee and in light of Mr. Ehrlichman's testimony before the House Armed Services Committee, are you absolutely certain that you in no wise were in contract either with the President or possibly the President's staff relative to this particular matter?

Mr. MACGREGOR. Yes. And may I say, Senator, that as a lawyer listening to your reading of the transcript of hearings before a congressional committee, I am impressed once again with the wisdom and the importance of the ban on hearsay evidence, because one is, or would be in a court of law, at the mercy of someone who said, "Jack told me that Bill said this," or "Jack told me that Harry did this." Once again, we understand the wisdom of our sytsem of justice in which we ban hearsay testimony as credible evidence.

Might I say also, because I think it is important, Mr. Chairman and the members of this committee, I have been advised that the records of this committee show that there was no telephone call from Clark MacGregor to President Nixon on the morning of July 6, 1972.

I am further advised, and I believe you didn't go into this question with Mr. Butterfield, that those records of incoming calls to the President and outgoing calls from the President are rigidly accurate.

I think it would be of interest to this committee to know that 3 weeks ago today, the President of the United States said, "Clark, you did not mention the Pat Gray matter to me on July 6."

Senator WEICKER. Well, what was the nature of that conversation? Why would this come across in a conversation between you and the President?

Mr. MACGREGOR. I was, along with others, attending a Presidential conference on export trade expansion at the White House on October 11. That program was put together primarily by Secretary of Commerce Fred Dent, with the assistance of Secretary of the Treasury George Schultz, and other officials of the Government. The President concluded that all-afternoon conference, which was dedicated to ways in which the Government and business could promote trade and thus produce more jobs. The President concluded the conference and then he held a receiving line. He asked people to go through the receiving line.

I did; and while going through the receiving line, he told me that I have just testified to.

Senator WEICKER. You mean in going through a receiving line—the President of the United States turns to you while you are going through a receiving line and says, "Clark, I didn't talk to you on July 6." Is that the nature of the conversation?

Mr. MACGREGOR. Apparently, someone had brought to his attention—not I—but someone had brought to his attention the Ehrlichman assertions or the Gray assertions. I don't know what led to this, Senator. But the President assured me that my recollection was correct and squared with his.

Senator WEICKER. Well, how long was this conversation with the President?

Mr. MACGREGOR. What conversation with the President?

Senator WEICKER. The conversation with the President in the receiving line. What was the date of that, again?

Mr. MACGREGOR. Between 1 or 2 minutes on October 11; 3 weeks ago today in the late afternoon—covered by the press. I don't think the press overheard the President talking to me, but if you are questioning my veracity, Senator——

Senator WEICKER. No, I am not questioning it at all. I am trying to get the facts, Mr. MacGregor.

Mr. MACGREGOR. I am giving you the facts, Senator.

Senator WEICKER. I appreciate that and want you to go ahead and continue to answer the question.

On October 11, some 2 or 3 months, I guess, after the testimony given before this committee by Mr. Gray, the President, on his initiative, merely made the statement to you that he did not call you on July 6.

Mr. MACGREGOR. I am not privy to what led the President to introduce that subject and I don't think it would be helpful for me to speculate as to why he did.

Senator WEICKER. I understand that. All I am trying to do is get the gist of this 1- or 2-minute conversation, which I think both of us will agree is not hearsay evidence, as you have complained about to this

committee already—we will get back to that—what the gist of that conversation was and who raised the subject?

Mr. MacGregor. Do you wish me to repeat what I said?

Senator Weicker. I would.

Mr. MacGregor. I can't be any more explicit.

Senator Weicker. To say, "I did not talk to you on July 6"—that is neither a conversation nor is it of 2 minutes' duration. Was there anything further in that conversation?

Mr. MacGregor. Oh, yes; the President asked about my health and about my wife and children. I did the same to him. I told him I thought it had been an excellent conference: that his Cabinet officers and sub-Cabinet officers and Ambassador Eberle had done an excellent job. and there was give and take.

Senator Weicker. But that was the only mention made either by you or by him as to the conversation of July 6, just the simple statement by the President, "I did not talk to you on July 6."

Mr. MacGregor. I am sure I responded that I had been advised by the legal staff that the Presidential telephone records confirmed his recollection and mine. I think that was my response.

May I say, Senator, I have never called the President of the United States after 10:30 at night or before 6:30 in the morning. The nature of my work for the President is counselor to the President for congressional relations. The nature of my job from July 3 onward through the election was that there was no emergency that ever justified my calling the President at an unusual hour.

Senator Weicker. Well, of course, that is not exactly so, Mr. MacGregor. Can you remember when you talked to the President on June 29, just prior to accepting the job of heading up the Committee To Re-Elect the President?

Mr. MacGregor. He called me. My statement was I have never called the President after 10:30 at night.

Senator Weicker. What time did you talk to him on June 29?

Mr. MacGregor. It was within a matter of a half hour after the conclusion of his television remarks that night. I think it was in the neighborhood of 11 p.m. He telephoned me.

Senator Weicker. Well, that is another subject for later on.

Now, in Mr. Gray's testimony, just so we can very carefully define your definition of "hearsay," are you indicating to me, then, that the testimony before this committee by Pat Gray relative to his conversation with you is hearsay?

Mr. MacGregor. No; quite obviously, Senator, I am referring to John Ehrlichman's testimony before the House committee, as I indicated.

Senator Weicker. If the testimony is as I have indicated to you and as appears in the record of the House hearings, would you say, then, that Mr. Ehrlichman perjured himself?

Mr. MacGregor. It is not for me to pass judgment on any criminal conduct. You and I both know that there is a presumption of innocence until proof of guilt and there is a panoply of procedures that must take place before someone—maybe the judge——

Senator Weicker. What you are saying, then, is that the testimony given by Mr. Ehrlichman at those House hearings does not square with your testimony.

Mr. MacGregor. No; it is my experience as a trial lawyer for about 8 years that judges customarily give to jurists an instruction that goes along the lines of the following: "Ladies and gentlemen of the jury, don't assume that every difference in testimony means that somebody is lying."

People have different recollections. People see and remember different things. The assumption that a discrepancy in testimony automatically means that somebody is lying is an assumption, thank goodness, which is not at all consistent with our administration of justice in America.

Senator Weicker. I understand that, but all I am saying is that the testimony that I have read to you states very simply that Mr. Ehrlichman says that you conveyed a request from Gray to the President and you say you did not.

Is that correct?

Mr. MacGregor. It appears to be correct. Again, I can't comment on Mr. Ehrlichman's testimony. I don't think it would be helpful to this committee if I did. I am answering the questions that you put to me and I am telling this committee under oath—and I take this very seriously, Senator—I did not speak to President Nixon by telephone or in person about the Pat Gray telephone call to me.

Senator Weicker. Did you meet with the President on the morning of July 6?

Mr. MacGregor. Yes.

Senator Weicker. What time did you meet with the President?

Mr. MacGregor. The first meeting—there was a change in schedule. In fact, there were considerable telephone calls late on the night of July 5 and so on into the morning of July 6 about the change of schedule. But the first meeting with the President took place sometime after 10 a.m. on July 6 in his office in San Clemente.

Senator Weicker. And what was the nature of that meeting?

Mr. MacGregor. It was a discussion involving primarily the President, John Ehrlichman, Mr. William Timmons, and myself. It was an assessment of the status of the President's legislative program at the end of the fiscal year, which was a few days before, and of the prospects for passage of the remainder of the unacted-upon legislation before the adjournment of the 92d Congress. The meeting was a legislative meeting and the President and Mr. Ehrlichman were concerned with the status of domestic legislative items and the attendance of Mr. Timmons and Mr. MacGregor was occasioned by our roles as assistants to the President in the congressional relations field. We went down, item by item, the major pieces of legislation.

Senator Weicker. Of course, are you aware from the testimony given to the committee that shortly after Pat Gray's conversation with you he received a call from the President?

Mr. MacGregor. Yes; I think there is substantial agreement from Mr. Gray and from the President to the effect that the President telephoned Mr. Gray at about 8:25 or thereabouts, Pacific time, on July 6, and that he congratulated the FBI on the job that it had done the day before in frustrating the attempted skyjacking of a commercial aircraft.

There also seems to be agreement between the President's statement and Mr. Gray's testimony before this committee that Mr. Gray then

July 10, 1973

J. Fred Buzhardt, Esq.
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Buzhardt:

I am writing to make the following requests, in addition to those we have previously made. All the items referred to are important to our investigation.

1. Copies of or excerpts from logs, diaries, or similar records of telephone conversations and meetings between the President and Clark MacGregor on July 5 and 6, 1972.

2. Copies of "political matters memoranda" numbers 1 through 26, inclusive, from Gordon Strachan to Lawrence Higby and/or H.R. Haldeman, probably now located in room 522, EOB. We believe these memoranda began in early spring 1972 and went through the election, November 1972.

3. A copy of materials in John Dean's "Miscellaneous Intelligence" file, taken down to the depository for protection on May 1, 1973. If this file is too voluminous to be conveniently copied, we could start by examining the file in your offices.

4. A copy of the logs or other records showing what specific items, from any of the files safeguarded pursuant to the procedures you outlined to us at our June 6 meeting, have been copied by the former White House staff members who were permitted limited access for the purpose of making such copies.

000978

5. Copies or excerpts of any records of items inserted into any White House file by Mr. Ehrlichman or Mr. Young on or after April 30, 1973.

Sincerely,

ARCHIBALD COX
Special Prosecutor

000973

48.8 J. FRED BUZHARDT LETTER, JULY 25, 1973

THE WHITE HOUSE

WASHINGTON

25 July 1973

Dear Mr. Cox:

This is in response to items 1, 4, and 5 in your letter of July 10th. I am responding in a separate letter to items 2 and 3 in that letter.

Item 1 of the July 10th letter encloses excerpts from logs of telephone conversations and meetings between the President and Clark MacGregor on July 5th and 6th, 1972. We have searched the logs and they do not show any conversation or meetings on those dates.

Item 4 requests a copy of records showing what specific items from the safeguarded files have been copied by former White House staff members who were permitted access to those files. As I advised you in my letter of June 1st, the procedures in effect since May 23rd do not permit the former staff members to copy material from these files. They were permitted to make copies prior to May 23rd. In that earlier period we had instructed that a record be kept of whether a person visiting the files used the Xerox machine but we had not instructed that any record be made of what items were copied. Although the guards on their own initiative did keep some record of this kind, and we are enclosing the two pages of that record, we are not in a position to warrant its completeness, and indeed doubt that it is complete.

Item 5 requests copies or excerpts of items inserted into any White House file by Mr. Ehrlichman or Mr. Young on or after April 30th. We have no records that would show what items, if any, were inserted. The procedures in effect since May 23rd ensure against any insertion into the files in question, although additional records, appropriately identified have been placed under the same access limitations and special security. Prior to that date, insertion into the files was neither prohibited nor permitted

000992

Indistinct document retyped by
House Judiciary Committee staff

by the instructions then in effect and we cannot say whether any insertions were made in that period.

Sincerely,

J. FRED BUZHARDT
Special Counsel to the President

Honorable Archibald Cox
Special Prosecutor
Watergate Special Prosecution Force
1425-K Street, N.W.
Washington, D.C. 20005

Enclosure

Indistinct document retyped by
House Judiciary Committee staff

by the instructions then in effect and we cannot say whether any insertions were made in that period.

Sincerely,

J. FRED BUZHARDT
Special Counsel to the President

Honorable Archibald Cox
Special Prosecutor
Watergate Special Prosecution Force
1425 - K Street, N. W.
Washington, D. C. 20005

Enclosure

000993

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

P

PLACE DAY BEGAN
THE WESTERN WHITE HOUSE
SAN CLEMENTE, CALIFORNIA

000158

DATE (Mo., Day, Yr.)
JULY 6, 1972
TIME DAY
8:20 a.m. THURSDAY

TIME In	TIME Out	PHONE P=Placed R=Received Lo	PHONE LD	ACTIVITY
8:20				The President had breakfast.
8:21	8:23			The President motored by golf cart from the San Clemente Compound residence to his office.
8:28	8:33		P	The President talked long distance with Acting Director of the FBI L. Patrick Gray, III in Washington, D.C.
8:40	8:41	P		The President talked with his Press Secretary, Ronald L. Ziegler.
				The President met with:
8:41	9:08			John D. Ehrlichman, Assistant
8:58	8:59			Alexander P. Butterfield, Deputy Assistant
9:10	9:15			The President met with his Personal Secretary, Rose Mary Woods.
				The President met with:
9:15	10:08			Henry A. Kissinger, Assistant
9:25	10:08			Sir Robert Thompson, author
:25	10:08			Maj. Gen. Alexander M. Haig, Jr., Deputy Assistant
10:10	10:11			The President met with Mr. Butterfield.
				The President met with:
10:11	12:05			Mr. Ehrlichman
10:18	10:22			Mr. Kissinger
10:40	12:06			H. R. Haldeman, Assistant
10:40	12:06			Clark MacGregor, Campaign Director for the Committee for the Reelection of the President
10:40	12:05			Frederic V. Malek, Assistant Campaign Director for the Committee for the Reelection of the President
10:44	11:01			William E. Timmons, Assistant
11:00	11:01			Mr. Ziegler
12:06	12:08			The President met with:
				Mr. MacGregor
				Mrs. Clark MacGregor
				Ollie P. Atkins, White House Photographer
12:08				The Presidential party went to the lawn behind the President's office.
12:08	12:11			The Presidential party held a photo opportunity.
2:11				The President returned to his office with Mr. and Mrs. MacGregor.
12:11	12:12			The President met with Mr. and Mrs. MacGregor.

Source: White House 3/15/74

(See Travel Record for Travel Activity)

PLACE STAY WEGAN

THE WESTERN WHITE HOUSE
SAN CLEMENTE, CALIFORNIA

DATE (Mo., Day, Yr.)
JULY 6, 1972

000159

TIME DAY
12:13 p.m. THURSDAY

TIME In	TIME Out	PHONE P=Placed R=Received In	PHONE P=Placed R=Received LD	ACTIVITY
				The President met with:
12:13	12:14			Mr. Butterfield
12:13	12:25			Miss Woods
				The President met with:
12:26	12:30			Miss Woods
12:26	12:32			Mr. Butterfield
12:30	12:31			Miss Woods
12:31	12:34			Miss Woods
				The President met with:
12:37	3:00			Mr. Haldeman
12:39	2:36			Mr. Ehrlichman
1:33	1:38			Mr. Ziegler
1:37	2:23			Miss Woods
2:50	2:51	P		The President talked with the First Lady.
3:03	3:05			The President motored by golf cart from his office to the San Clemente Compound residence.
1	3:24			The President motored from the San Clemente Compound residence to Red Beach with his valet, Manolo Sanchez.
3:26	3:31	R		The President talked with Mr. Ehrlichman.
4:26	4:46			The President motored from Red Beach to the San Clemente Compound residence with Mr. Sanchez.
4:48				The President and the First Lady went to the pool area.
5:02				The President returned to the San Clemente Compound residence.
5:24		P		The President telephoned Mr. Haldeman. The call was not completed.
5:28	5:29	P		The President talked with Miss Woods.
5:30	5:43		P	The President talked long distance with his Special Counsel, Charles W. Colson, in Washington, D.C.
5:47				The President and the First Lady went to the oceanside patio.
6:19				The President returned to the San Clemente Compound residence.
8	7:04		P	The President talked long distance with Secretary of Defense Melvin R. Laird in Washington, D.C.
7:10		P		The President telephoned Mr. Kissinger. The call was not completed.

(See Travel Record for Travel Activity)

PLACE (Day Slugan)

THE WESTERN WHITE HOUSE
SAN CLEMENTE, CALIFORNIA

DATE (Mo., Day, Yr.)
JULY 6, 1972

000160

TIME DAY
7:15 p.m. THURSDAY

TIME In	TIME Out	PHONE P=Placed R=Received Lo	PHONE LD	ACTIVITY
7:15				The President and the First Lady had dinner.
10:23	10:25	P		The President talked with Mr. Haldeman.

CD/MF/CD

It looks like "I should"—I don't want to say anything incorrect there.

I should do this soon—

I will get a clean copy—

and I said I would try to do it today.

Upon leaving the White House I discussed the matter briefly with the Director. On returning to the office I called Gray, indicated that this was a matter of some urgency, and he agreed to see me at 1430 that day.

Now that was General Walters.

Mr. Helms stated to this committee during an interview as follows:

A few minutes later Haldeman and Ehrlichman walked in and Haldeman in no uncertain terms instructed Walters to see Pat Gray of the FBI and instruct him not to pursue his investigation in Mexico concerning Gerry M. Dalhberg since it might involve the CIA. Helms had no idea what they were talking about with respect to Mexico and when he asked he was told, "Never mind what it's all about." But they wanted Walters to go to Pat Gray right then and there.

End of quote in the interview with Mr. Helms.

Now, isn't it a fact that the meeting with Director Helms and General Walters on June 23 was an effort to hinder the investigation?

Mr. EHRLICHMAN. Senator, that meeting was convened at the President's request. I learned later that the President was operating on the basis of an independent source of investigation and out of a concern that an all-out FBI investigation might compromise some CIA activity.

My recollection of that meeting is at considerable variance with General Walters in the general thrust and in the details. In point of fact, as I recall it we informed Mr. Helms and General Walters that the meeting was being held at the President's request for the reasons I stated.

Mr. Haldeman said that the Watergate was an obvious important political issue and that the President had no alternative but to order a full all-out FBI investigation until he was satisfied that there was some specific area from which the FBI should not probe for fear of leaks through the FBI of disassociated and disconnected CIA activities that had no bearing on Watergate. As I recall there were a couple of basic questions that were asked of these gentlemen. One was whether the CIA was directly involved in the break-in itself and they said it was not.

The other was whether or not there was any disassociated CIA activity, past or present, which might be disclosed through a vigorous FBI investigation. They did not make the same kind of a categorical response to that question as they had made to the other. As a matter of fact, my recollection is that a response to the effect that they don't keep track, that is the Director and the Deputy Director, of these regional activities, such as the one in Mexico, they would want to check with the regional man.

Now you have in your——

Senator WEICKER. They had done that?

Mr. EHRLICHMAN. Sir?

Senator WEICKER. They had done that?

Mr. EHRLICHMAN. I think their letter of July 6 to the Acting Director of the FBI shows that they had not done that and they did not do

that and they did not assure the FBI until June 27 as to the Mexican situation. Then they confirmed that oral assurance of June 27 in writing on July 6 and on July 6 is when Director Gray called the President and said "I now have a memo from the CIA assuring me that there is no problem," and the President said "Let's go all out." So that is the sequence of events.

Senator WEICKER. Why did the Director call the President?

Mr. EHRLICHMAN. Because he received—I assume because he had this memorandum.

Senator WEICKER. Oh no, oh no. Why did the Director call the President?

Mr. EHRLICHMAN. In point of fact I think the President called the Director.

Senator WEICKER. That is correct. The Director had called Mr. MacGregor.

Mr. EHRLICHMAN. That is true.

Senator WEICKER. And he had expressed to Mr. MacGregor doubts as to this situation. He felt this was the best way to go ahead and get in touch with the President, and the President called him back shortly thereafter.

Mr. EHRLICHMAN. I wasn't at the meeting between Mr. Gray and Mr. MacGregor so I don't know what they said but, I do know what the President told me.

Senator WEICKER. But you do know——

Mr. EHRLICHMAN. That Mr. MacGregor told him when he came and called on the President on July 6 that he had been talking to Pat Gray and Pat Gray felt it was important that he talk to the President right away and the President picked up the phone immediately and called him.

Senator WEICKER. And did Pat Gray tell the President that there were forces of those around him who were trying to wound him?

Mr. EHRLICHMAN. I had never heard that.

Senator WEICKER. Is it not a fact that General Walters and Pat Gray both felt it was necessary to call the President on this matter, that both of them had the same apprehensions that the investigation was being interfered with?

Mr. EHRLICHMAN. I think it was important for Pat Gray to have talked with the President; too. I heartily concurred with that. I hope you understand that when Mr. Haldeman and I met with the CIA, it was for the purpose only of conveying to those gentlemen the President's concern and the meeting did not culminate in any instructions to anyone except a request to General Walters that he sit down and talk to Pat Gray about this matter, and reassure Pat Gray, if he could be factually reassured.

Now, that, in fact is what happened, and Mr. Haldeman and I disconnected from this after that one 20-minute meeting.

Senator WEICKER. All right, let's drop back in time again here to the meeting on June 23. You are sitting here with the Director of the CIA and with General Walters. Would it not be logical to address any request of the CIA to the Director of the CIA?

Mr. EHRLICHMAN. Not if you were told by the President that he wanted to work through General Walters.

Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about these operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

35-780 O - 74 - 36

records having been removed with the change of administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18, 1973, when I learned that Mr. Hunt, a former member of the Special Investigations Unit at the White House, was to be questioned by the U.S. Attorney, I directed Assistant Attorney General Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters and to stay out of national security matters. Subsequently, on April 25, 1973, Attorney General Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the Ellsberg case. I concurred, and directed that the information be transmitted to Judge Byrne immediately.

WATERGATE

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice, and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fundraising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fundraising. Nor did I authorize any offer of executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurances that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

(1) I had no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal

A FBI, CIA, both, I'd put it, as to whether or not there was any CIA interest or non-interest in the witnesses that the FBI wanted to interview.

Q In connection with what?

A In connection with the Watergate investigation. And that both General Walters and myself felt that this was due to an indifference and a carelessness on the part of White House staff people and a failure to appreciate the position of these agencies in our society, and that we both felt that this could be injurious to our agencies and could be wounding to the President.

Now, these are certainly not my exact words, but they are certainly close to them and they are certainly close to the thought that I intended to convey. And I said to him, "Clark, would you please pass this to the President."

And he said either, "I'll handle it," or, "I'll take care of it." And that was the substance of that conversation.

Q All right, sir. Now, your logs reflect that that call took place at 10:51 a.m. Washington time, Thursday, July 6th, 1972.

Your logs reflect that at 10:28 a.m., Thursday -- I'm sorry, 11:28 a.m., Thursday, July 6th, 1972, you received a call from President Nixon. Is that correct?

A That is correct, sir.

Q Do you recollect speaking to President Nixon some

thirty to thirty-five minutes after you spoke to Mr. MacGregor?

A I do indeed, yes, sir.

Q Could you tell us the telephone conversation from the President?

A Yes. The President called me and I was actually quite surprised to receive the call.

He started off by congratulating me on the successful termination of the highjacking which had occurred in San Francisco the day before. The ladies and gentlemen of the Grand Jury may recall that an FBI Agent shot two highjackers who were trying to highjack an airplane, and the President asked if I would pass his congratulations to the FBI Agent.

And I told the President that I would and that I was very, very grateful to him for calling and the Agents would be pleased to know that and, indeed, I placed a call later on to the Special --

Q Before we get to that, just tell us all the conversation. You said you appreciated it and you'd pass it on?

A Right. And then I said, "Mr. President, there's something I want to speak to you about." And, really, I just blurted it out. That was my reaction at the time.

I said -- and I've written this down, and I've written it down because I think it's very important, and this is my best recollection. I know that precision is impossible to obtain, but this is my best recollection, after having given it

DV

much thought and consideration -- to this call.

And I said, "Dick Walters and I feel that people on your staff are trying to mortally wound you by using the CIA and FBI and by confusing the question of CIA interest in or not in people the FBI wishes to interview."

Then I said, "I've just talked to Clark MacGregor and asked him to speak to you about this." There was a perceptible pause, a noticable pause, and the President said to me, "Pat, you just continue to conduct your aggressive and thorough investigation." And that was the end of the telephone call.

MR. NEAL: Mr. Foreman, it's 5:30. We have a few other areas to cover with Mr. Gray. Mr. Gray, is this the end of your testimony of your activities with respect to the CIA-FBI involvement?

THE WITNESS: Yes, sir, with regard to any witness involvement, like with regard to Mr. Ogarrio and with regard to Mr. Dahlberg.

MR. NEAL: I understand there's later some other things, but with respect to this aspect of your activities from June 17th to July 6th, 1972?

THE WITNESS: Yes, sir, that is.

MR. NEAL: And the other areas, about which we discussed, or the other areas we've discussed with you, are now, in effect, of somewhat separate areas?

49. In July 1972 Dean obtained from Gray various interview and investigative reports of the FBI investigation of the break-in at the DNC headquarters. Dean has testified that he showed these reports to the attorneys for CRP and to CRP officials. Previously Dean had asked Attorney General Kleindienst for access to FBI interview reports and Attorney General Kleindienst had refused his request.

Page

49.1 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, March 21, 1973, 620-21.....556

49.2 John Dean testimony, 3 SSC 945.....558

49.3 John Dean testimony, 4 SSC 1361.....559

49.4 Richard Kleindienst testimony, 9 SSC 3564.....560

memorandum over to the Attorney General and at the bottom of that you say, "In this particular case and all future cases."

A week later you are providing secretly a considerable amount of material to Mr. Dean who is going out of your office and bringing it back to the White House. Now, what happened during this period of time, a week, that made you change your mind from what you wrote at the bottom of your memorandums right here?

Mr. GRAY. Absolutely nothing happened during that week that made me change my mind. That memorandum was directed to papers and documents that we would prepare in writing in summary form or LHM form or that type of thing. It was not directed to this type of material.

Senator KENNEDY. You mean, Mr. Gray, that if you write it up you send it through the AG, but if it is raw you give it directly? Is that my understanding?

Mr. GRAY. That is my understanding.

Senator KENNEDY. How can you possibly rationalize that? If you draft it, you are going to keep the Attorney General fully informed. But then you provide to the White House the raw material which you say is indispensable to the investigation and you do not even let the Attorney General know.

Mr. GRAY. I can say there is nothing that happened, except that I made the decision in response to the call from the Counsel to the President.

Senator KENNEDY. And did you let the Attorney General know?

Mr. GRAY. No, sir, I did not tell the Attorney General.

Senator KENNEDY. What were the files that were actually made available? Were they just your own files or files which were a part of the investigation?

Mr. GRAY. No, they were not files. They were FD 302's, investigative reports, and then there were two volumes of teletypes made available later on.

Senator KENNEDY. There were what?

Mr. GRAY. Two volumes of teletypes about, I would estimate, 3 to 4 inches thick, the two volumes came to that.

Senator KENNEDY. When were those——

Mr. GRAY. Those were later on. I received those, as I recollect, early August, and those were delivered in October.

Senator KENNEDY. You had, as I remember, 82 out of 186?

Mr. GRAY. Yes, sir, these are FD 302's now, investigative reports.

Senator KENNEDY. Could you review why you let him have just some of these, why the 82 out of 186?

Mr. GRAY. Yes, because I received a group of them on the 30th day of June. I received another group on the 17th day of July, and those two groups are the two packets that I delivered to Mr. Dean on the 28th day of July.

Senator KENNEDY. Did these, the 82 documents that you provided, relate only to the White House staff?

Mr. GRAY. No, sir, I didn't make any selection on those at all.

Senator KENNEDY. Why not?

Mr. GRAY. Those were the ones that were available, the 302's that I had there in my safe and had been sent up to me in two packets on June 30 and July 17.

Senator KENNEDY. If Mr. Dean was doing an investigation of the White House staff, why wouldn't you turn over just those records that related to that?

Mr. GRAY. My reasoning on it was his trails were going to go in many areas. I didn't know what he was doing. I wanted him to know what we had.

Senator KENNEDY. You did not know what he was doing?

Mr. GRAY. No, I didn't know what he was looking for.

Senator KENNEDY. What did he tell you?

Mr. GRAY. He told me he was conducting an inquiry but he and I did not discuss the substance of his inquiry or the substance of the FBI inquiry. We were doing ours in our own way and he was doing his in his own way. I have testified earlier that I didnt' want to have any information from his inquiry at all.

Senator KENNEDY. I thought you indicated in earlier testimony that his inquiry was in relationship to the White House staff?

Mr. GRAY. That is right, to the involvement of White House personnel.

Senator KENNEDY. Why would you supply——

Mr. GRAY. They could turn up in other investigative reports.

Senator KENNEDY. Why wouldn't you make sure he got all of them?

Mr. GRAY. I gave him all that I had at the time.

Senator KENNEDY. Why didn't you get the rest of them?

Mr. GRAY. Because there weren't any more available at that time, sir.

Senator KENNEDY. Till when? Did you try to get the rest of them for him?

Mr. GRAY. Those were all that were available. These were delivered to me—early on the 30th of June, I received a group, and on the 17th of July I received a group and I gave to him what I had available at that time.

Senator KENNEDY. There were a lot of people interviewed after the 17th of July?

Mr. GRAY. That is right.

Senator KENNEDY. Did you send those to him, as you recall?

Mr. GRAY. No, as I recollect there was another call, and I think that it came later on, much later on—yes, it was in the middle of October—where he called me and asked if he could look at some additional investigative reports and teletypes, and I sent to him at that time the last group of investigative reports that I had in my safe and the two volumes of the teletypes.

Senator KENNEDY. And did you, or did you not, ever feel any kind of responsibility to call him later and let him know that you could get other reports?

Mr. GRAY. No, I did not, as I was responding to his request.

Senator KENNEDY. And you thought that you did respond when you made those files available?

Mr. GRAY. If he wanted more, I would have expected he would have called again and made another request.

Senator KENNEDY. In any of your conversations did you ever talk to him about Mr. Liddy?

Mr. GRAY. I think not, because it is my best recollection and memory that we did not discuss individuals.

tion I was bringing to their attention, that this information was being given to the President.

I do not recall when actually I received the first written information from the FBI, but I believe it was after July 21 when I received a summary report that had been prepared on the investigation to that stage.

I would also like to now summarize to the bottom of the page, and indicate that when——

Mr. DASH. Bottom of page 72.

Mr. DEAN. Seventy-two, correct, and indicate that after I did get possession of the documents, the FBI files, I found them not very meaningful and later Mr. Mardian, Mr. Parkinson, Mr. O'Brien came over to my office and read the reports, and Mardian, they all reached the same conclusion and I recall Mardian's reaction was that the documents indicated that the investigation was too vigorous and he was quite critical of Gray and asked me to call Gray to slow down but I never made such a call.

It was after I showed a copy of the July 21 report to Mr. Mitchell that Mardian insisted that he be permitted to see the FBI reports. Mitchell agreed, and thought that Paul O'Brien and Ken Parkinson should also see them.

I recall that when Mardian, O'Brien and Parkinson finally came to my office to look at the reports, they realized that they were not very meaningful. It was Mr. Mardian, however, who became very excited because of the scope of the investigation that Gray was conducting and the tone of the cables he was sending out of headquarters. Mardian clearly thought that Gray was being too vigorous in his investigation of the case and was quite critical of Gray's handling of the entire matter. He demanded that I tell Gray to slow down, but I never did so.

Summarizing the first paragraph on page 73, I would also note that I never showed any of these reports to any persons who were interviewed by the FBI and they were only given to Mr. Dick Moore of the White House staff when he was working on the Segretti matter for Mr. Ehrlichman and Mr. Haldeman.

I do not recall ever finding anything in the FBI reports which I scanned, that was worth reporting to Ehrlichman and Haldeman and so I never read all of the reports that were sent to me. The FBI files containing the reports never left my office, nor were they shown to anyone in the White House other than Dick Moore when Mr. Moore had been instructed to prepare a report on the Segretti incident by Ehrlichman. I never showed the reports to any of the persons who were interviewed by the FBI after their interviews.

FIRST DEALINGS WITH THE CIA

I will turn now to the first dealings I had with the CIA. It was during the meeting in Mitchell's office on June 23 or 24 that Mardian first raised the proposition that the CIA could take care of this entire mat-

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

Mr. DEAN. I didn't have the impression that he was upset by it. I don't know how often Mr. Gray and I talked but we talked frequently. We had worked together at the Department of Justice, and while it was reported that he called me with some outrage, Mr. Gray and I generally didn't have that type of conversation. He said something to the effect that "It that true, you know, I can't believe you would do that," and I said "No, it is not true and I never showed Segretti any FBI reports."

Senator GURNEY. Of course you worked at the Department of Justice for sometime, and I suppose you have some familiarity with the procedures down there. Isn't it a most unusual thing for a 302 report to be let out of the FBI office to anyone?

Mr. DEAN. Well, I know this: that the White House receives on a regular basis and my office was the recipient on a regular basis, of countless FBI information. Now this deals with everything from background investigation.

Senator GURNEY. I am talking about the 302 forms that are filed with raw data.

Mr. DEAN. Yes.

Senator GURNEY. Not reports.

Mr. DEAN. I don't recall ever receiving 302's at the White House other than on this incident. I really was never terribly aware of what the policy was. I didn't work with the criminal cases in the Department of Justice while I was there so I don't know if there were other occasions when 302's were sent anywhere or not. I can't answer the question.

Senator GURNEY. But I understood you to say your understanding with Gray on these 302 files would be that you would guard them very closely.

Mr. DEAN. That is correct.

Senator GURNEY. Who did you show them to?

Mr. DEAN. Well, as I testified, after the report on the 21st came to my office, Mr. Mardian was anxious to see them, Mr. Mitchell thought that was a good idea and also that Mr. O'Brien and Mr. Parkinson also came to see them. They came to my office. I recall them scanning them. They decided there really wasn't much in there that interested them. The thing that sticks in my mind most is that Mardian was, who was apparently very familiar with 302 and FBI investigations from being the head of the Internal Security Division said that, you know, "Gray is just going hog wild here," because of the tone and the tenor of the interoffice from one field office or from headquarters to field offices, that the tone of the cables that were being sent out of headquarters.

Senator GURNEY. Mardian, O'Brien, Parkinson weren't even in the White House then?

Mr. DEAN. That is correct.

Senator GURNEY. Who were they working for?

Mr. DEAN. The reelection committee.

Senator GURNEY. Do you think Mr. Gray had any idea that people like that outside of the White House were looking at these files?

Mr. DEAN. I am sure he had none because I didn't tell him.

Senator GURNEY. Did anybody else look at the files?

Mr. DORSEN. During the summer of 1972, were you aware that Patrick Gray was making available to John Dean FBI teletypes and 302's?

Mr. KLEINDIENST. No, sir. The first time I became aware of that was in the confirmation hearing of Mr. Gray to be the permanent Director of the FBI.

Mr. DORSEN. Had Mr. Dean spoken to you about the possibility of the FBI supplying to the White House such documents?

Mr. KLEINDIENST. Mr. Dean raised a question with both myself and Mr. Petersen. Both of us were very quick to tell him that we did not—that we would not give him raw investigative data from FBI files. I told him based upon his representation to us and my belief throughout this matter that he was counsel to the President; he represented him continually. He was dealing strictly with the President, that the President had delegated him to more or less be responsible for an overview of the investigation insofar as it might relate to White House personnel. I told Mr. Dean that since I had been in the Department of Justice—I hadn't been Attorney General but a week when this fantastic situation occurred—that it had always been my policy and one that was shared by Attorney General Mitchell, that only under the most restricted circumstances should raw FBI investigative data be given to anybody. I believe I did indicate that we wouldn't mind summarizing pertinent information that was relevant to his inquiry orally for him so that he could make a report to the President. I believe I also indicated that if there was a particular file that the President of the United States personally wanted to see, that I would be willing to take that file personally up to the President, sit down with the President and let him look at it and then bring it back.

Mr. DORSEN. During the summer of 1972, were you aware or made aware of a Saturday night phone call from Mr. John Ehrlichman to Henry Petersen?

Mr. KLEINDIENST. In the summer of 1972?

Mr. DORSEN. Summer or fall.

Mr. KLEINDIENST. I do not know if it was an evening call. I became aware of a call that Mr. Ehrlichman made to Mr. Petersen I believe in the middle of the day, sometime between July 7 or 8 and August 8 or 9, at a time when I was at the Pocono Lake Preserve in Pennsylvania with my family on a vacation. I became aware of such a call at that time.

Mr. DORSEN. How did you become aware of it?

Mr. KLEINDIENST. I became aware of the call because Mr. Ehrlichman called me. He started the conversation out, I think, by saying either "Dick" or "General," depending on the nature of the conversation how he would address me. He said: "I have just talked to Henry Petersen and I am very upset about my conversation with him because I gave him an instruction which he refused to follow," and I think my first reaction which was again rather abrupt and instantaneous was, "What were you doing talking to Henry Petersen in the first place and giving him instructions of any kind?" and he said, "Never mind that. I asked him to have the FBI and U.S. Attorney's Office not harass Secretary Stans with respect to interrogations, not to harass the Secretary."

And I said, John, you have got to be out of your mind. What did Mr. Petersen say to you? Well, I think he said in a polite way he told

50. On or about Friday July 28, 1972 a grand jury subpoena was served on Maurice Stans, Chairman of FCRP, to testify in connection with the investigation of the break-in at the DNC headquarters about his knowledge of the purpose for which campaign funds were spent. The President requested that John Ehrlichman determine if Stans could testify by deposition instead of being subjected to a personal appearance before the grand jury. John Dean called Henry Petersen, Assistant Attorney General in charge of the Criminal Division, and requested that Stans' testimony be taken at the offices of the Department of Justice rather than before the grand jury. Petersen had previously agreed to this arrangement in the case of testimony by members of the White House staff. Petersen told Dean that this procedure could not be used for Stans, and Dean reported that response to Ehrlichman. On Saturday, July 29, 1972 Ehrlichman called Petersen and requested that Stans not be compelled to appear before the grand jury. Ehrlichman accused the prosecutors of harassing Stans. On Sunday, July 30, 1972 Ehrlichman called Attorney General Kleindienst. Ehrlichman reported that Petersen had refused to follow his instructions. The next day Kleindienst, Petersen and Assistant United States Attorney Earl Silbert met in Petersen's office. They agreed that Stans would be questioned under oath at the Department of Justice and not before the grand jury. On August 2, 1972 Stans was questioned in Petersen's conference room. According to Stans, in August the President called Stans and told him that he appreciated the sacrifice that Stans was

making in not answering questions for the press and hoped that he could continue to take it.

		Page
50.1	Earl J. Silbert statement to the Senate Judiciary Committee in response to "A Report to the Special Prosecutor on certain aspects of the Watergate Affair," March 4, 1974, 27-28 (received from Senate Judiciary Committee)	563
50.2	John Dean testimony, 3 SSC 954	565
50.3	John Ehrlichman testimony, 7 SSC 2699-2700	566
50.4	Henry Petersen testimony, 9 SSC 3618-19	568
50.5	Richard Kleindienst testimony, 9 SSC 3564-65	570
50.6	Robert W. Barker (counsel for Maurice Stans) statement, 2 SSC 682	572
50.7	Maurice Stans testimony, 2 SSC 726	573

between September 7 and September 15, 1972 the day on which the indictment was returned, nine witnesses testified before the grand jury, including John Mitchell, and, for the third time, Jeb Magruder.

Q. Response to Criticisms for Not Requiring Maurice Stans to Testify Personally Before the Grand Jury and Not Calling Mr. Stans or Mitchell as Witness at Trial, and Not Asking Adequate Questions at Trial

21. The Morgan Report criticizes the fact that Maurice Stans did not appear personally before the grand jury. (P. 38) The facts to my knowledge are as follows:

On Friday, July 29, 1972, I directed the FBI to serve a grand jury subpoena upon Maurice Stans to appear before the grand jury the following Tuesday, August 1, 1972. That evening, counsel for the Committee for the ReElection of the President, at an emergency meeting he requested, strongly objected to the proposed grand jury appearance of Mr. Stans, stating it would harm his fund raising efforts. At his request, we changed the date of his appearance to Wednesday, August 2, 1972, but explained he would have to appear.

After the meeting, Mr. Campbell, Mr. Glanzer, and I discussed the matter among ourselves. One aspect we discussed was the appropriateness of serving a subpoena on a person such as Mr. Stans, a former cabinet officer, as opposed to inviting him to appear, the procedure ordinarily followed with Senators, Congressman, and other public and private officials who upon invitation would be expected to appear. More importantly, we discussed the potentially harmful affect on our investigation by what would inevitably be a highly publicized appearance at the grand jury by a person as well known as Mr. Stans. The mounting publicity in this case, we were concerned, might hinder the investigation and would very likely provide the

defendants with a basis for delaying the trial, a highly undesirable result in view of the enormous pressures on us to bring the case to trial as quickly as possible. We reviewed as precedent the case of United States v. Sweig, 441 F.2d 114, 121, n.7 (2d Cir.), cert. denied, 403 U.S. 932 (1971) in which former Speaker John McCormack did not appear before the grand jury but was deposed in his own office during a criminal investigation which was focusing on members of his staff, once with his nephew present. We reached no final decision that evening.

During the week end, I was informed by Henry Petersen that he had received a very strong complaint from John Ehrlichman of the White House about the potentially unfair and prejudicial publicity generated by appearances of White House staff members and former cabinet officers before the grand jury at the United States Courthouse.

After a meeting on Monday, July 31, 1972, of then Attorney General Richard Kleindeinst, Mr. Petersen, and myself in which this and other aspects of the Watergate case were discussed, it was subsequently agreed that well known persons such as Mr. Stans and White House staff members whose testimony was sought by the grand jury would be examined by an Assistant United States Attorney in the offices of Mr. Petersen at the Department of Justice. It was agreed that this examination would be under conditions duplicating as nearly as possible examination before the grand jury: testimony under oath in question and answer form, in the presence only of an Assistant United States Attorney and a court reporter who would record the proceedings. The witness could be accompanied by counsel. As before a grand jury, however, counsel was not permitted to be present during the examination but instead would be available in a nearby room to confer with the witness if the latter so desired. After the examination, the transcript of the proceeding prepared by the court reporter would be submitted to the grand jury.

before the grand jury and he had worked out an arrangement whereby they could come to the Department of Justice, be interviewed by the prosecutors with counsel present, and then the prosecutor would take a sworn statement without counsel present as if it were a secret grand jury room and later the prosecutors would read the statement to the grand jury. This procedure was followed, as I recall, for Mr. Colson, Mr. Krogh, Mr. Young, Mr. Chapin, and Mr. Strachan.

When Secretary Stans learned that he was being called before the grand jury, he expressed a similar outrage and requested a procedure like that which had been given to the members of the White House staff. I discussed this again with Petersen, but he said he didn't feel it would be possible to follow a similar procedure. Mr. Stans' outrage continued and finally he raised it directly with Mr. Ehrlichman. Ehrlichman asked me why I couldn't do anything with Petersen about this and I told him that Petersen had done the best he could but that there was nothing he could do about it because the grand jury wanted Stans to appear. Ehrlichman would not accept my explanation and called Petersen and was very harsh in telling Petersen that he should honor the White House request that Stans not be forced to appear at the court house to go before the grand jury. I was present when Ehrlichman called Petersen and felt that he was wrong in doing so. I felt that Petersen had been more than accommodating and that if he could have done it, he would, but obviously the grand jury wanted to see these people and Petersen was not happy with the procedures that had been followed with the others. It had merely been an accommodation. Accordingly, I called Mr. Petersen and apologized for the call that he had received from Ehrlichman.

The only significant matter that I can recall in connection with any of the grand jury appearances was in connection with Colson's grand jury appearance also. After Colson returned from his grand jury interview he sent me a memorandum, a copy of which I have submitted to the committee—which he suggested I might wish to send on to the prosecutors. I had been present during Colson's interview with the prosecutors before his sworn statement was taken and I did not find anything of significance in the memorandum that he had failed to cover during his interview.

[The document referred to was marked exhibit No. 34–18.*]

Mr. DEAN. I had also received information from Magruder that he had been pressured by Colson and members of Colson's staff into authorizing the adoption of Liddy's plans on several occasions and this information was not reflected in the memorandum that Colson had prepared. I felt that the memorandum was rather self-serving to Mr. Colson and I was not convinced that it was totally factual.

The memorandum also came to my attention almost a week after Colson had sent it to me because, immediately following his appearance before the grand jury at the end of August. I had gone to San Clemente. I advised Colson that I did not know if everything in his memorandum was consistent with Magruder's testimony, and I thought we ought to leave well enough alone. He agreed. Accordingly, I filed the document rather than forward it to Mr. Silbert.

*See p. 1169.

35-780 O - 74 - 37

Senator ERVIN. Well, they didn't give him a chance. They didn't indict Magruder, and the prosecuting attorneys are reported in the press to have said the evidence showed that nobody was involved except the seven men under prosecution.

Don't you know that?

Mr. EHRLICHMAN. I know, too, that they had Mr. Sloan's testimony before them. He was not believed and in point of fact, you remember in the press, that at the trial, the judge made comments which indicated that he did not believe Mr. Sloan.

Senator ERVIN. Well, it has turned out since he was telling the truth, I think rather strongly, so they certainly had his testimony that Magruder, the Deputy Director, had ordered him to pay this $199,000 in cash out of Secretary Stan's secret fund and that Secretary Stans had told Sloan to comply with the order of Magruder in this respect after consultation with Mitchell.

Now, I can understand why they don't find out some things that are so outrageous that they don't believe a party. Didn't Mr. Sloan come up and want to tell you about this and you said to him, "I don't want to hear anything about it because if I hear anything about it I will have to take the executive privilege until after the election."

Mr. EHRLICHMAN. I don't know what it was that Mr. Sloan wanted to tell me because after we had talked for a few minutes and I had determined that he felt he had some exposure, but that he had not talked to an attorney, I told him that it would be grossly unfair of me to hear him out until he had had an opportunity to talk with an attorney and take counsel on his own situation.

Senator ERVIN. You were one of the men in the White House who stood in power next to the President, weren't you?

Mr. EHRLICHMAN. I worked for the President there.

Senator ERVIN. Yes, and when an agent, when this treasurer of the Finance Committee To Re-Elect the President came and told you he wanted to tell you about some things that troubled him you refused to listen.

Mr. EHRLICHMAN. Well, I thought I was doing that from his standpoint, Mr. Chairman.

Duke Sloan has been a young man that I have known well during the time he worked in the White House. I didn't want to see him tell me something before he had talked to counsel that later on was going to prove his undoing, and you see his wife, Debbie, also worked at the White House and was well known to my wife and me and I just didn't want to see him overreached.

Senator ERVIN. I have got to go and the time is almost up to go over there and vote.

[Recess.]

Senator ERVIN. Before I put another question, I would say that my idea is that it is up to the jury to determine whether a witness is telling the truth instead of the prosecuting attorney.

Did you not call Henry Petersen, the Assistant Attorney General of the Criminal Division, who had general supervision of this prosecution and ask him not to require former Secretary Maurice Stans to go before the grand jury?

Mr. EHRLICHMAN. Yes, Mr. Chairman. The circumstances were that the—it had come to the President's notice that Secretary Stans was going to be asked to appear before the grand jury. He asked me to determine if it would be possible for Secretary Stans to give his testimony as others had, through the device of a proceeding at the Justice Department, a deposition, so to speak, under oath, rather than to run the gauntlet at the Federal courthouse.

The President said that a man who was a former Cabinet officer and so on. should not be subjected to that kind of a situation. I talked with Mr. Dean about it and I talked with Mr. Petersen and he agreed not to do that.

Senator ERVIN. As a Democrat with a small "d," I am incapable of comprehending why a former Cabinet officer should not have to do as all other mortals and go before grand juries and so he did not go, did he?

Mr. EHRLICHMAN. He gave his testimony.

Senator ERVIN. He gave his testimony?

Mr. EHRLICHMAN. Excuse me, Mr. Chairman. He gave his testimony by deposition.

Senator ERVIN. Yes, he gave his testimony in the absence of the grand jury, did he not?

Mr. EHRLICHMAN. Apparently this was a procedure which had been established by the prosecution and a number of other people had done likewise.

Senator ERVIN. As I have observed during these hearings before, murder and stealing have occurred in all generations but they have not made murder meritorious or larceny legal.

Now, my question is. Mr. Former Secretary Stans did not go before the grand jury, did he? He gave his testimony in his office, did he not?

Mr. EHRLICHMAN. No, sir—well, I do not know where he gave it.

Senator ERVIN. Well, he gave his testimony in the absence of the grand jury?

Mr. EHRLICHMAN. Yes, I believe he gave it at the Department of Justice.

Senator ERVIN. Yes. And by that method, there was nobody there to ask him any questions except the prosecuting attorney who held office at the pleasure of the President. Is that not so?

Mr. EHRLICHMAN. Well, I do not know who was present, Mr. Chairman.

Senator ERVIN. Well, you know none of the grand jurors—there were 23 grand jurors, I believe under the Federal system, none of the grand jurors were there, were they?

Mr. EHRLICHMAN. I do not believe so.

Senator ERVIN. So this was a process——

Mr. EHRLICHMAN. Unless the foreman was there, and I do not know that.

Senator ERVIN. This was a process because Secretary Stans, I guess—Shakespeare said about Ceasar what meat our Ceasar eats had grown so great but he had eaten such meat that made him so great that he did not have to go before the grand jury like ordinary mortals, and that procedure made it certain that no inquisitive grand juror could ask this man who had had charge of the financing of the campaign, any embarrassing questions, did he not?

Mr. PETERSEN. After his appearance before the grand jury. I do not know whether——

Mr. DASH. Had he shown some interest prior to that? Of course, I think there were three appearances that he had.

Mr. PETERSEN. Yes, of course, first of all, the statements were at the White House, coming from the White House that John Dean was charged with preparing a report, and what have you. John Dean's statements that were made to me were: I am responsible to keep the President informed and, you know, if I get in there and he asks me a question, he really chews me out if I do not know the answer and. Henry, you have got to keep me posted on these things. They wanted to know—if there was going to be a newsworthy item, they would like to know about it at or about the time it happened. So to that extent I tried to keep him informed of the ultimate facts and when I did not, he would call.

Mr. DASH. Right, and, therefore, you did tell him that he had got through the grand jury.

Now, can you recall a time when Mr. Ehrlichman got in touch with you concerning the appearance of Mr. Stans before the grand jury?

Mr. PETERSEN. Yes, sir; I can.

Mr. DASH. Can you briefly tell the committee about that in your own words?

Mr. PETERSEN. I cannot give you the date, Mr. Dash. I think that——

Mr. DASH. Approximately what period?

Mr. PETERSEN. It is isolated. It was during the summer. It was before the indictment. It can be fixed because it was immediately before the return date of the subpena that was served on Mr. Stans.

I received a call at 11:45 in my home. I was sitting at the kitchen table and it was Mr. Ehrlichman and he charged Earl Silbert with harassing former Secretary Stans and I told Mr. Ehrlichman that Mr. Silbert was not a responsibility, that I had approved of that, and that it was not harassment, that it was true he had been interviewed at least twice by the FBI but we simply—I am hesitating because I want to be fair to Mr. Stans—basically his testimony, his interviews were the same as he gave the committee. Let me put it that way.

As I recall his appearance up here, there was some question about whether the committee believed his statements that he did not know what happened to the money, that all he did was collect it. We had some difficulty, the same difficulty, and we felt that if that was his story, that we ought to have it under oath. So to that extent we called him basically the third time and it was right——

Mr. DASH. What did Mr. Ehrlichman want?

Mr. PETERSEN. What did he want? I asked him that question twice and he never spelled it out except to stop harassing Mr. Stans and I said we were not harassing him and he charged that Earl Silbert was acting like a local prosecutor. Well, Mr. Silbert is a local prosecutor [laughter].

Mr. DASH. Did you get the impression that Mr. Ehrlichman was perhaps asking that Mr. Stans be excused from going to the grand jury?

Mr. PETERSEN. Well, that is what he was driving at. I asked him twice what he wanted and he never answered other than to say stop harassing. I asked him, I said, well, if Stans has a problem with the

subpena, why doesn't his lawyer call him, and he said it was not necessary, that Ehrlichman was calling me and we ended up telling him to tell his lawyer to call me.

Mr. DASH. Did Mr. Kleindienst later speak to you about the same matter?

Mr. PETERSEN. Mr. Kleindienst called me Sunday evening the day after and said, are you upset, and I said about what? He said about the Ehrlichman call. And I said no, I am not upset. I was a little mad but it was his mistake, not mine, that I thought it was highly indiscreet, and Kleindienst said, well, what is it all about, and I told him that we wanted Stans' testimony under oath and he said, well, why don't you come on down early in the morning. I have got to see Ehrlichman about this and you come on, you and Silbert come on down and give me a briefing and we met, I think it was in my office at 8 o'clock the next morning and briefed Mr. Kleindienst on the status of the investigation.

I told him there is no need for you to be concerned about me. No point going over to the White House and getting in a fight about me. He cannot do anything to me. We will get his testimony.

I did discuss with Mr. Silbert and Mr. Kleindienst whether or not we should make a concession. One of the concessions that we did make was that we would take his testimony and what I described as under grand jury conditions, that is, under oath, without his lawyer being present, in order to avoid publicity and——

Mr. DASH. Were you aware or did Mr. Kleindienst tell you about his telephone conversation with Mr. Ehrlichman?

Mr. PETERSEN. No, sir. I never heard of that. Indeed, I did not know from whom he had learned of the conversation until very recently.

Mr. DASH. You said you did agree on a concession. Could you tell us where was Mr. Stans interrogated?

Mr. PETERSEN. He was interrogated in my conference room by the prosecutors on the case with a reporter present and no one else.

Mr. DASH. And not before the grand jury?

Mr. PETERSEN. No, sir.

Mr. DASH. Who else, by the way, was given a similar concession during the investigation?

Mr. PETERSEN. Colson, Kehrli, and Young.

Mr. DASH. Colson, Kehrli, and——

Mr. PETERSEN. Young.

Mr. DASH. Was this requested by anybody in the White House?

Mr. PETERSEN. I think it was requested by John Dean in order to avoid publicity.

Mr. DASH. Is there any special reason? Is that the reason, to avoid publicity, that this concession was given to White House staff?

Mr. PETERSEN. No. I don't think—that is all. Frankly, Mr. Dash, one of the most difficult things I have had to do since I have been in the Justice Department are decisions with respect to public officials, because the concerns are tremendous. You err seriously if you don't conduct an investigation where it should be conducted and if you do conduct an investigation where it should not be, you do a terrible disservice to the public official involved. It is no help to say, well, Mr. Public Official, we want you to know you have been cleared and we are sorry about all the publicity. That is a very serious thing and I have

Mr. DORSEN. During the summer of 1972, were you aware that Patrick Gray was making available to John Dean FBI teletypes and 302's?

Mr. KLEINDIENST. No, sir. The first time I became aware of that was in the confirmation hearing of Mr. Gray to be the permanent Director of the FBI.

Mr. DORSEN. Had Mr. Dean spoken to you about the possibility of the FBI supplying to the White House such documents?

Mr. KLEINDIENST. Mr. Dean raised a question with both myself and Mr. Petersen. Both of us were very quick to tell him that we did not—that we would not give him raw investigative data from FBI files. I told him based upon his representation to us and my belief throughout this matter that he was counsel to the President; he represented him continually. He was dealing strictly with the President, that the President had delegated him to more or less be responsible for an overview of the investigation insofar as it might relate to White House personnel. I told Mr. Dean that since I had been in the Department of Justice—I hadn't been Attorney General but a week when this fantastic situation occurred—that it had always been my policy and one that was shared by Attorney General Mitchell, that only under the most restricted circumstances should raw FBI investigative data be given to anybody. I believe I did indicate that we wouldn't mind summarizing pertinent information that was relevant to his inquiry orally for him so that he could make a report to the President. I believe I also indicated that if there was a particular file that the President of the United States personally wanted to see, that I would be willing to take that file personally up to the President, sit down with the President and let him look at it and then bring it back.

Mr. DORSEN. During the summer of 1972, were you aware or made aware of a Saturday night phone call from Mr. John Ehrlichman to Henry Petersen?

Mr. KLEINDIENST. In the summer of 1972?

Mr. DORSEN. Summer or fall.

Mr. KLEINDIENST. I do not know if it was an evening call. I became aware of a call that Mr. Ehrlichman made to Mr. Petersen I believe in the middle of the day, sometime between July 7 or 8 and August 8 or 9, at a time when I was at the Pocono Lake Preserve in Pennsylvania with my family on a vacation. I became aware of such a call at that time.

Mr. DORSEN. How did you become aware of it?

Mr. KLEINDIENST. I became aware of the call because Mr. Ehrlichman called me. He started the conversation out, I think, by saying either "Dick" or "General," depending on the nature of the conversation how he would address me. He said: "I have just talked to Henry Petersen and I am very upset about my conversation with him because I gave him an instruction which he refused to follow," and I think my first reaction which was again rather abrupt and instantaneous was, "What were you doing talking to Henry Petersen in the first place and giving him instructions of any kind?" and he said, "Never mind that, I asked him to have the FBI and U.S. Attorney's Office not harass Secretary Stans with respect to interrogations, not to harass the Secretary."

And I said, John, you have got to be out of your mind. What did Mr. Petersen say to you? Well, I think he said in a polite way he told

me to go to you know where, and I said, well, Mr. Ehrlichman, I think by that time I may have been calling him Mr. Ehrlichman, I said you are awfully lucky Henry Petersen is the kind of man that he is that he does not blow off the handle. I said if he resigned today and has a press conference and repeated your conversation with him you could probably be involved in an obstruction of justice complaint, and I said Henry did exactly what I would expect him to do. Then I remember saying to Mr. Ehrlichman I never want you again to call up anybody in my Department and give them specific instruction. I said if you have something to convey to Mr. Petersen or anybody over there you can call me. He said well, I cannot reach you all the time, and I said well, John, we have transacted most of our business on the telephone, I had a telephone installed up here to be available to you and the President or anybody else 24 hours a day. He said I will not agree to that, and I said all right, John, if you will not agree to that I will come down Monday, I would like to meet with you and the President, and if the President tells me that you have the authority and the power to give specific instructions to people in the Department of Justice then I will submit my resignation. At that point Mr. Ehrlichman then treated the matter lightly, do not get excited, I was only kidding, do not worry about it, it will never happen again, and I can say to you that it never did happen again.

Mr. DORSEN. Am I correct that Mr. Stans did not actually appear before the grand jury?

Mr. KLEINDIENST. That is my understanding.

Mr. DORSEN. And how did that come about, in view of your conversation with Mr. Ehrlichman?

Mr. KLEINDIENST. That came about as a result of conferences that I had with Mr. Petersen.

Mr. Petersen said that if you are dealing with persons of high position, persons of great notoriety or prestige, it is not uncommon, depending upon the circumstances, instead of having them appear before the grand jury directly, to have them interrogated by an Assistant U.S. Attorney or the U.S. Attorney with a court reporter and give them questions and get answers from them, otherwise the same ground rules would apply, they would not have a lawyer with them, their attorney could be in the next room, if they wanted to consult with their attorney they could step out and do that. He said that particularly he saw no objection to it in view of the fact as of that time there was no evidence of any kind in our possession that would indicate culpability or criminal conduct on behalf of Mr. Stans.

I have had very little experience with the grand jury procedure. I authorized that procedure with respect to Mr. Stans and I will take personal responsibility for it.

Mr. DORSEN. Now, before I ask you your relationship with John Ehrlichman in reference to the Justice Department during this period, I would like to read a few sentences from John Dean's testimony before this committee from page 2308.

Throughout the Watergate investigation Haldeman and particularly Ehrlichman, had complained about Mr. Kleindienst's passive role in the investigation and prosecution. Haldeman and Ehrlichman were both aware of the strained relationship between Kleindienst and the White House. I knew that Ehrlichman was riding hard on the Justice Department in an effort to undermine Mr. Kleindienst. I also knew from conferences with Kleindienst he had little affection for Mr. Ehrlichman.

Commencing early in July of 1972, on three occasions, he voluntarily submitted himself to inquiries and discussions with FBI agents concerning the Watergate break-in and the Presidential election campaign.

On August 2, 1972, Mr. Stans voluntarily appeared and gave sworn testimony to the assistant U.S. attorney for use before the Watergate grand jury here in Washington, D.C.

Subsequently, Mr. Stans voluntarily appeared before the staff of the House Banking and Currency Committee and gave information with respect to campaign finances and cooperated with that committee.

On six different occasions, in addition to submitting the official reports required of the committee, Mr. Stans gave affidavits and discussed matters with representatives of the General Accounting Office concerning campaign finances and activities. He did everything he could to clarify matters.

Again voluntarily, he went to New York and appeared before the U.S. attorney handling the grand jury investigations into the Vesco contribution to the campaign. He then also voluntarily appeared on two occasions before that grand jury and fully and candidly and completely testified as to the matters known to him to the best of his ability.

In addition, on three occasions, he has given depositions in the civil litigation arising out of the campaign. He has also testified for the litigation in Florida, a criminal case down there.

Subsequently, he appeared before the staff of this committee and on two occasions, gave them information concerning the campaign activities and finances, and he fully intended to appear voluntarily before this committee and to give it all the cooperation and assistance that he could.

However, on May 10, the United States of America, of which this committee is a part, a coordinate branch, changed the whole situation. It brought an indictment against Mr. Stans, charging him with very serious crimes arising out of the campaign and his duties as chairman of the finance committee.

As you know, Mr. Stans pleaded innocent.

Now, Mr. Stans is before this committee under subpena, with a direction to testify about his function as chairman of the Committee To Re-Elect the President. Inevitably, directly or indirectly, this hearing will influence any jury which might be called to hear the case in New York. This places Mr. Stans in an impossible position and a completely unfair one. Under our constitutional system and the fundamental laws of this land, an accused is entitled to a fair trial by an impartial jury, unimpeded by a deluge of publicity. In other words, as the Supreme Court said in *Estes* v. *Texas*, the concept of due process of law entitled the defendant to "both judicial serenity and calm."

Now, Mr. Chairman, the inevitable Kleig light of publicity which will result from Mr. Stans' appearance here would preclude any judicial serenity and calm at the trial now set, as I say, for September 11 in New York. It would also tend to deny him the possibility of an impartial jury of the kind guaranteed by the sixth amendment. To paraphrase the language of the Supreme Court in *Delaney* v. *U.S.* (199 F. 2d. 107, 1st cir., 1952), Mr. Stans' appearance before this committee and the television and other news media related thereto would accomplish additional investigation and extensive publicity

Senator GURNEY. Have you ever discussed this Watergate affair or any aspect of it with the President of the United States?

Mr. STANS. Only in the sense that the President and I met once during the campaign and I had one telephone call from him, both in August.

Senator GURNEY. Both when?

Mr. STANS. In August of last year, in which he said that he was aware of the fact that I was receiving considerable punishment in the press for not answering their questions at the time. He said that he appreciated the sacrifice I was making in that respect but the matter would be over eventually, and he hoped that I could continue to take it. It was a pep talk, in other words, and that was the substance of the discussion over the telephone.

Now, in the subsequent meeting about 10 days later in his office in the Executive Office Building I talked about some of the problems on fundraising with him, the pending nationwide dinner which was going to take place in September at which he was going to participate, and matters of that type but there was no discussion of the Watergate, of coverup or any subject of that type with the President.

Senator GURNEY. Do you know from any information from anybody else whether the President of the United States had any knowledge of Watergate or the coverup?

Mr. STANS. I have absolutely no such information.

Senator GURNEY. Thank you, Mr. Stans.

That is all, Mr. Chairman.

Senator ERVIN. Senator Inouye.

Senator INOUYE. Thank you, Mr. Chairman.

Mr. Secretary, a few moments ago you testified that you had met with Mr. Mitchell on June 23 and yesterday you suggested that it was possible you met with Mr. Mitchell on June 24. The break-in was on the 17th of June. On the 18th I believe all of the major papers in the United States had banner headlines about the Watergate break-in and you learned about that for the first time. Then, on the 23d of June you testified you received a call from Mr. LaRue, I believe. Then, there were other banner headlines about moneys being traced through a bank and hundred dollar bills all over the place and the security chief of the Committee To Re-Elect the President being arrested as one of those found in the Watergate complex. Last week one of your associates, Mr. Sloan, testified that he was quite apprehensive about an $81,000 cash disbursement to Mr. Liddy and he testified that he conferred with you on this matter and wanted some indication from you that Mr. Magruder was authorized to make these cash payments. So you indicated that you would look into this, and on June 24 you had a meeting with Mr. Mitchell, the Attorney General.

Now, upon your return from the meeting this is what Mr. Sloan testified to, and I am quoting from the testimony:

By "he" he means you, sir, "He returned from that meeting with Mr. Mitchell and he confirmed that Mr. Magruder continued to have this authority that I should pay these funds and with regard to my question of concern about his purpose he said 'I do not want to know and you do not want to know'."

Do you recall this, sir?

51. John Ehrlichman has testified that on July 31, 1972 Ehrlichman, John Dean and Attorney General Kleindienst met and discussed whether Jeb Magruder was involved in the break-in at the DNC and that shortly thereafter Ehrlichman discussed the meeting with the President. Kleindienst has testified he does not recall the meeting. In August, 1972, after Magruder's testimony before the grand jury investigating the break-in at the DNC headquarters, Dean called Assistant Attorney General Henry Petersen to find out how Magruder had done when testifying. Petersen called Assistant United States Attorney Silbert and discussed Magruder's testimony. Petersen has testified that he told Dean that while Magruder was a very articulate young man, nobody believed Magruder's story that he did not know the purposes for which campaign funds had been spent.

Page

51.1 John Ehrlichman log, July 31, 1972 (received from SSC).....576

51.2 John Ehrlichman testimony, 6 SSC 2554-55.....577

51.3 Richard Kleindienst testimony, 9 SSC 3566-67.....579

51.4 John Dean testimony, 3 SSC 952.....581

51.5 Henry Petersen testimony, 9 SSC 3617, 3651.....582

51.6 Earl Silbert testimony, SJC, Nomination of Earl Silbert to be United States Attorney for the District of Columbia, April 23, 1974, 51-53.....584

DR

FRIDAY, JULY 28, 1972

8:00	HRH office
8:15	Roosevelt Room
11:10	President
11:45	President, Mayor Maltester, John Gunther
12:15	Bud Krogh, David Gunning
2:00	Marge Byers (Life)
4:00	Friends of Richard Nixon Seminar - EOB Conference Room

SATURDAY, JULY 29 - SUNDAY, JULY 30, 1972

5:30	To Camp David

MONDAY, JULY 31, 1972

8:00	HRH office
8:15	Roosevelt Room
9:30	Peter Flanigan
11:15	Car at west basement
11:30	At Justice - AG Kleindienst, John Dean
	Lunch at Justice
2:00	Secretary Hodgson, Ken Cole
2:30	Roosevelt Room - p.r. group
3:45	Peter Flanigan, Ken Cole, Jon Rose
4:15	Troika
7:20	Youth reception - Mess (Jeb Magruder)

TUESDAY, AUGUST 1, 1972

8:00	HRH office
8:15	Roosevelt Room
9:00	Car at west basement
9:15	Jack Kemp group of Freshmen Congressmen - H-139 Capitol
11:00	HRH, MacGregor, Mitchell, Colson, Harlow, Timmons
2:30	248 EOB - Flanigan, railroad people
3:00	Senator George Smathers
4:00	Bob Teeter, Harper, Morey, Cole
7:30	Blair House dinner hosted by Sec. and Mrs. Richardson for Soviet Health Minister and Mrs. Borus Petrovsky (business suit and cocktail dresses)
(6:30	Haircut)

I think you recognized that.

Mr. EHRLICHMAN. I recall the last page of the second. I think that is my chopmark on the rest of it, although I don't have any present recollection of it.

The third one, Mr. Silbert's internal memorandum in the Justice Department, has been shown to me, but I can't vouch for it.

Mr. ERVIN. I will admit the first two papers as exhibits and the reporter will number them appropriately as such.

[The documents referred to were marked exhibits Nos. 90 and 91.*]

Senator ERVIN. The third I will have marked for identification, but will not be admitted at this time.

[The document referred to was marked exhibit No. 92 for identification only and not for publication.]

Mr. DASH. I do have other questions that I will not ask at this point. I have no further questions at the present time.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Mr. Chairman, I do have one or two lines that I would like to pursue, and then with the chairman's permission, perhaps after the members of the committee have questioned the witness, I'll return to other lines.

Mr. Ehrlichman, I understand that as of June 18, you knew that Mr. Hunt and Mr. Liddy had in fact broken into the DNC or allegedly so and also that they were members of the White House staff. Is that correct?

Mr. EHRLICHMAN. No, I don't believe so, Mr. Thompson. I think that sometime on the 19th, Mr. Dean told me about Liddy's involvement. The only connection that I had with regard to Hunt was this call from the Secret Service that said that his name had been in the possession of one of the people caught in the Democratic headquarters and that the card or the paper or whatever it was, said "White House" on it.

Now, it wasn't very many days after that before the link was made, I guess, but as of that day, I don't think I knew that.

Mr. THOMPSON. Mr. Dean has testified that Liddy also told him that Magruder was involved in some way, that Magruder pushed him. Also, Mitchell and LaRue and Mardian testified that they got essentially the same information from Liddy on June 21, I believe. Was any of this information imparted to you in June of 1972 concerning Mr. Magruder?

Mr. EHRLICHMAN. I can't say, Mr. Thompson, whether it was or not. There came a time when there was a feeling that, at least on my part, based on what the—on what Mr. Dean was telling me about the unfolding of this thing, that Mr. Magruder may have had some involvement, and that culminated in a meeting with the Attorney General at the end of July, on the 31st of July, where Magruder was specifically discussed. But just where in there I acquired information, I can't tell you.

Mr. THOMPSON. When you acquired this information, did you discuss this information with the President?

Mr. EHRLICHMAN. Well, as I say, I can't say in the interim. I do recall discussing with the President the comments of the Attorney General and Mr. Dean arising out of our meeting on July 31.

*See pp. 2643 and 2646, respectively.

Mr. THOMPSON. Do you recall approximately when this conversation took place?

Mr. EHRLICHMAN. It would have been within a day or two after that. It would have been in the first week in August.

Mr. THOMPSON. First week in August——

Mr. EHRLICHMAN. Yes, sir.

Mr. THOMPSON. Was the first occasion?

Mr. EHRLICHMAN. I cannot say the first occasion, but it is the one that I have a recollection of.

Mr. THOMPSON. Mr. Ehrlichman, let me read to you the President's statement of May 22, again which has been previously referred to, and give you a quotation from that statement. The President says:

> I wanted justice done with regard to Watergate but in the scale of national priorities with which I had to deal, and not at that time having any idea of the extent of political abuse which Watergate reflected, I also had to be deeply concerned with enduring, insuring that neither covert operations of the CIA nor the operations of the special investigations unit should be compromised.

Mr. EHRLICHMAN. Excuse me, Mr. Thompson, could you tell me where you are reading from? I cannot quite hear you.

Mr. THOMPSON. That is on page 5 of the President's statement of May 22.

Mr. EHRLICHMAN. Thank you.

Mr. THOMPSON. It is the last full paragraph.

Mr. EHRLICHMAN. Right.

Mr. THOMPSON. All right.

> Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to insure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit, and to see that this was personally coordinated between General Walters, Deputy Director of the CIA, Mr. Gray of the FBI. It certainly was not my intent or my wish that the investigation of the Watergate break-in or of related acts be impeded in any way.

Is that correct? Were you in fact given those instructions?

Mr. EHRLICHMAN. We were asked to meet with the CIA people in the month of June, and Mr. Haldeman and I did that. At a point in time, I think some months in advance of the Watergate break-in, the President had made it very clear to me that the whole special unit activity was, he felt, impressed with the highest level of security classification. It simply was not to be talked about and I had passed that along to Young and Krogh and others. But I do not recall ever talking to either the CIA people or Mr. Gray about investigations which might lead to the special unit as such.

Mr. THOMPSON. Prior to the break-in?

Mr. EHRLICHMAN. Either prior or subsequent, for that matter.

Mr. THOMPSON. You talked on June 23—you had a discussion with Mr. Helms and Mr. Walters, did you not?

Mr. EHRLICHMAN. But it did not relate to the activities of the special unit with regard to the Pentagon Papers or anything like that.

Mr. THOMPSON. But it related to CIA activities?

Mr. EHRLICHMAN. Yes, sir.

Mr. THOMPSON. Of course, the President refers in his statement to both CIA activities.

Mr. EHRLICHMAN. And, as I say, I can say that we had the one meeting with the CIA on the 1st. I do not recall any conversations or ef-

Is this a fair statement of your relationship with Mr. Ehrlichman?

Mr. KLEINDIENST. I think the last statement Mr. Dean made at that time would have been subjective in nature. I do not think I had a feeling one way or the other in that way about Mr. Ehrlichman. I had had, generally speaking, a satisfactory working relationship with Mr. Ehrlichman. He had a very difficult assignment and role to fulfill on behalf of the President of the United States. I often wondered how John Ehrlichman could really take onto himself the multitudinous chores and responsibilities that he did. I made it a point to the extent possible to work with and get along with everybody at the White House and indeed, in the Government, as a means by which I would discharge my responsibility in the Government.

I did not know—nobody told me that I was not getting along with the White House. I have a personality and personality characteristics which people tell me can sometimes be irritating and I am sorry about that and I suppose I could have irritated people up there from time to time. So far as a passive role at the Department of Justice, the decision that I made on June 17 when I became aware of this in terms of my role as the Attorney General was essentially this: That I should not do anything more or less in this as a major investigation than I would in any other case. In every other case that I ever was involved in at the Department of Justice of a criminal nature, I looked to Mr. Henry Petersen to be primarily responsible for the direction of the investigation.

And let me say this about Mr. Petersen. I believe that Henry Petersen is the finest career lawyer that this country has ever had. In 4½ years of association with him I found him to be intelligent, fair, courageous, honest, dedicated to the administration of our criminal justice laws and I suppose that of all of the people that I was associated there with who would be under me in the Department I respected him more, looked to him more for advice and counsel, relied upon him more, and thanked the Lord constantly there was a man like Henry Petersen.

My admiration for him was such, I believe Henry Petersen is the first career lawyer in the Department of Justice who was ever appointed by the President to be an Assistant Attorney General and I thought it was a great compliment to his career of service. Consequently, on any other, as I did on any other criminal matter, I looked to Henry Petersen, I probably saw him several times a day. I did not absolve myself of the ultimate responsibility as the Attorney General in the matter but I relied upon Henry and I got information from Henry Petersen. With the exception of one event, I never talked to Mr. Silbert, Mr. Glanzer, Mr. Campbell or the U.S. Attorney, I never gave them any direction. If there was a policy matter Mr. Petersen would submit to me which was proper for me to discharge as the Attorney General, I made those decisions. If they were right, I will take the credit for it and if they were wrong I will take the responsibility for it. That could have been to people at the White House a passive role in the Watergate case. It is the role that I tried to pursue while I was there until Sunday, April 15, 1973.

Mr. DORSEN. I would like to turn to a meeting that took place among you, Mr. Dean, and Mr. Ehrlichman on July 31, 1972. Do you recall that meeting?

Mr. KLEINDIENST. Mr. Dean, Mr. Ehrlichman, and myself?

Mr. DORSEN. Yes.

Mr. KLEINDIENST. Without something else to prod my memory I have no recollection of that.

Mr. DORSEN. Well, I will read from page 5285 of Mr. Ehrlichman's testimony before this committee:

> There came a time when there was a feeling that, at least on my part, based upon what Mr. Dean was telling me about the unfolding of this thing, that Mr. Magruder may have had some involvement and that culminated in a meeting with the Attorney General at the end of July, on July 21, where Magruder was specifically discussed, but just where in there I acquired information I can't tell you.

Mr. KLEINDIENST. I have no recollection of any such meeting. The only recollection I have of anybody ever saying anything to me about Mr. Magruder was Mr. Petersen's characterization to me after he appeared before the grand jury as a witness, that he said, Magruder just barely, you know, got by. As a result of our conversation, I gathered he meant by that that he didn't sound like a credible witness. However, there was no other evidence available to the U.S. Attorney to contradict what he said and that is the only characterization of Mr. Magruder that I heard.

Incidentally, Mr. Dorsen, let me make another gratuitous statement, if I may, and that is about these three young lawyers in the U.S. Attorney's Office who conducted this investigation. To me those three, along with Mr. Petersen, are the unsung heroes of the Watergate case. I think a lot of people should be given a lot of credit, the Senate, the press, Judge Sirica, but there haven't been very many people around talking about these career people in my Department.

These three young men were career lawyers. I believe that they are all Democrats. They were there before we came in. They were given this assignment by the U.S. Attorney and they were never interfered with. Under very difficult circumstances, the obvious political notoriety of it, the problems with respect to the press, the interest of the Nation with respect to this terrible, reprehensible event that had occurred, imposed upon these young men a burden that few prosecutors, I think, have ever had. I had complete faith in them throughout this thing. I do today. And I hope someday that they will get the recognition that they really deserve for conducting a thorough, comprehensive investigation.

And let me conclude my gratuity by this remark, that this case, it seems to me, was ultimately broken not by Magruder and Mr. Dean going to the Senate, or the press, or the judge, but by going to the U.S. Attorney's Office in the District of Columbia, to Mr. Silbert, Mr. Glanzer, and Mr. Campbell, and giving them the information that really had unfolded this and brought us to the point where we are today.

Excuse the interruption but I wanted to make that testimony for some very fine men that I admire very much.

Mr. DORSEN. All right, Mr. Kleindienst.

I would like to move ahead to February 22, 1973, and to your meeting with the President on that day and ask you if you can summarize for the committee what occurred.

Mr. KLEINDIENST. February 22, 1973.

Mr. DORSEN. Correct.

might not stand up if indicted. I recall Haldeman asking me if I thought Magruder would stand up if indicted and I said no. I have always assumed it was a Presidential decision to keep Magruder on at the reelection committee. Following the decision, Ehrlichman and Haldeman indicated a greatly increased interest in Magruder's problems. They were aware of the strategy to stop the involvement at Liddy, because I reported to them on the story that Magruder would tell, that is, that he did not know what Liddy was doing. They frequently asked me how Magruder was doing in relationship to the FBI and grand jury investigation. I also had calls from Mr. Larry Higby as to Magruder's status.

I do not know when I first learned of Magruder's proposed testimony, but I did not know that it had already been formulated when I first heard it. I informed Haldeman and Ehrlichman of the story. We discussed it and no one was sure it would hold up. This discussion did occur before Mitchell resigned. We, of course, knew that it was a fabricated story. When I later learned that Mr. Porter would corroborate Mr. Magruder's testimony, I informed Haldeman and Ehrlichman of that. I had never heard Mr. Magruder's story in full detail until just before his grand jury appearance, in mid-August 1972, when he asked me if I would be a devil's advocate and question him before he went before the grand jury. Magruder came to my office, as I recall, the day before his second grand jury appearance. He told me he had made the decision himself as to how he was going to handle his testimony and wanted me to ask him any and all questions I could think of. I spent about an hour or more questioning him. Shortly after I had this session with Magruder, Higby called me to tell me that Magruder had been to see him, to let Haldeman know he was ready.

Following Magruder's appearance before the grand jury I received a call from Higby requesting information for Haldeman as to how Magruder had done before the grand jury. I subsequently called Mr. Petersen, who said he would find out and call me back. Petersen called back and said he had made it through by the skin of his teeth. I called Haldeman and so informed him, and subsequently informed Mitchell and Magruder. I recall that Haldeman was very pleased, because this, of course, meant that the investigation would not go beyond Liddy.

In early September Paul O'Brien came to my office and informed me that there was an outstanding subpena for Magruder's diary. O'Brien said that Magruder's diary reflected the meetings in Mitchell's office in January and February with Liddy, Magruder, Dean, and Mitchell. O'Brien also informed me that there had been discussion of destroying or altering the diary, but he did not think much of that. I agreed that to alter it would be impossible because it would be discovered by the FBI laboratory.

I remember talking with Magruder and asking him why he kept a diary—being somewhat facetious. I told Magruder that he should talk with Mr. Mitchell about this, because he was probably going to have to turn the diary over.

Long before the matter of Magruder's diary had arisen, I had talked with Mitchell about the meetings in January and February in his office. I told him that should it ever be necessary, I would testify that I knew that he had not approved anything at these meetings. It was after the matter of Magruder's diary being subpenaed and Magruder again being recalled to the grand jury that Mitchell requested that I

Mr. PETERSEN. I was not aware at all of the Dean meetings until th recent disclosures. I was aware that Mr. Gray was in touch with M Walters to try and determine whether or not there was any CIA in volvement in connection with the Mexican transactions.

Mr. DASH. And he later——

Mr. PETERSEN. That is all.

Mr. DASH. And he later reported to you he learned there was n CIA involvement?

Mr. PETERSEN. That is right.

Mr. DASH. Now, did you ever discuss with Mr. ——

Mr. PETERSEN. Mr. Dash, I guess I ought to qualify that. I thin that is in the record, that there is some CIA assistance with respec to E. Howard Hunt and there may have been—but on the direct ques tion with respect to the Mexican transaction, no.

Mr. DASH. Yes, and Mr. Petersen, I am confining these question now to the very early period within actually a week or so after th break-in. I think the testimony before the committee is that Mr. Helm spoke to Mr. Gray on June 22 and said there was no CIA involvemen and the meetings between Mr. Haldeman, Mr. Ehrlichman, Ambassa dor Helms, and Mr. Walters was on June 23, and then shortly after wards, in fact, on the same day, on June 23, General Walters spoke t Mr. Gray. It is in that area, that time period, that I am directing my questions.

Mr. PETERSEN. I had no such instructions.

Mr. DASH. Did you ever discuss with Mr. Dean, Mr. Magruder's appearance before the grand jury?

Mr. PETERSEN. John Dean called me at the time of Magruder's appearance before the grand jury and asked how Magruder made out. I did not know and I called Earl Silbert and he said, well, you know. as you all know, he is a very articulate young man and he described him, he made a good witness in his own behalf, but, Henry, nobody believes the story about the money. And, you know, that is—in those words are what I told Mr. Dean.

Mr. DASH. Did you know what that was all about?

Mr. PETERSEN. Well, we were focusing on the money, Mr. Dash. Maybe it is a poor boy syndrome but we could not imagine how $350,000 was just tossed out and nobody wants to know where it went or what it was used for and, of course, the grand jury had the poor boy syndrome, too, I guess. They could not understand that either.

Mr. DASH. Were you aware of the fact that Mr. Sloan told the prosecutor, Mr. Silbert, of Mr. Magruder's effort to have him pick a different sum of money that he paid to Mr. Liddy?

Mr. PETERSEN. I was not aware of it at the time. I was subsequently aware of that and, of course, talked to Earl Silbert about it and they went into the grand jury.

Mr. DASH. You say subsequently. Was that prior to the indictment?

Mr. PETERSEN. I think after, Mr. Dash, but what it came down to is it was one on one. There it was a conflict. Sloan was a good witness in other respects.

Mr. DASH. Actually, you said that Mr. Dean called you about how Mr. Magruder made out. This was, I take it, after his final appearance before the grand jury?

was not telling the truth, but for a prosecutor we have to go beyond that. We did not have any evidence to suggest it. He got on the stand, told his story, told his story to the grand jury. We could not refute it. I did not like the story but I did not have any evidence. All I could say is it does not add up.

Senator INOUYE. Mr. Dean in a statement before this committee testified that he called you after Mr. Magruder's appearance before the grand jury in August of 1972. Did he call you, sir?

Mr. PETERSEN. Yes, sir, he did.

Senator INOUYE. He further testified that he asked you how Mr. Magruder's testimony went and you were supposed to have responded that Mr. Magruder had made it through "by the skin of his teeth."

Mr. PETERSEN. That is not correct. I remember the conversation very well because, I did not know the answer when Dean called. I had to call Silbert. I did call Silbert and Silbert said, he is an articulate young man. He made a good appearance, good witness in his own behalf, but nobody believes the story about the money. But there is no—the grand jury did not. They just—they were—again, that overstates it but they were uncomprehending how such a large sum of money could be given to a man and he had no requirements to file records or to account for it or explain to his superiors how it was spent, and that is the statement that I gave to Mr. Dean. He made a good witness but the grand—nobody believes his money story. And that was where we were focusing our efforts. That is where we were concerned because the records had been destroyed.

Senator INOUYE. I will read the full paragraph and if I may have your comments.

Following Magruder's appearance before the grand jury I received a call from Higby requesting information for Haldeman as to how Magruder had done before the grand jury. I subsequently called Mr. Petersen who said he would find out and call me back. Petersen called back and said he had made it through by the skin of his teeth. I called Haldeman and so informed him and subsequently, informed Mitchell and Magruder. I recall that Haldeman was very pleased because this meant that the investigation would not go beyond Liddy.

Mr. PETERSEN. I mean, I have no comment except that the obstruction was successful, Senator. I mean, that is what it was. We had lying witnesses, and, of course, that is the problem with the forthcoming prosecution. You have got people who have lied two or three times under oath.

Senator INOUYE. In July of 1972, soon after the break-in, Mr. Alfred Baldwin, who was in the hotel, I believe advised the prosecutors that on May 30 two bugs had been placed in the Democratic National Committee headquarters.

Mr. PETERSEN. I am not sure of that, Senator.

Senator INOUYE. And after the arrest they found one bug in Larry O'Brien's telephone. Mr. Baldwin had notified your prosecutors that the other one was in Mr. Spencer Oliver's telephone. For some reason that telephone was not searched.

On September 13 the C. & P. Telephone Co. made a sweep and found this bug and a few days later the Vice President of the United States and the Attorney General suggested that this bug had been placed in there by Democrats to confuse the issue and embarrass the Republicans.

Senator Hart. Would you have any notes that might enable you to be more precise on that?

Mr. Silbert. No, I don't. I have checked on that, Senator, and whatever notes I would have basically I have turned all of my materials over to the Special Prosecutor. But with respect to post-indictment conversations with Sloan, that I would not have kept notes about that and I know that this conversation which I have just alluded took place not before the return of the indictment, as I recall, but after, that is, whether or not he should take the Fifth. It was in a pre-trial context of getting his testimony ready and I would not have taken notes.

Senator Hart. Magruder testified before the Grand Jury. What were the circumstances of Mr. Petersen calling you to find out how Magruder had done?

Did you know he was calling at John Dean's request?

Mr. Silbert. No.

Senator Hart. Or he was going to tell John Dean whatever evaluations you gave him?

Mr. Silbert. The answer to both of those questions, Senator, is no.

Senator Hart. Dean testified that Petersen told him Magruder had, this is a quote, "Made it through by the skin of his teeth." Mr. Petersen testified that you said, Henry, nobody believed him about the money.

What is your recollection of what you said?

Mr. Silbert. I don't recall using the phrase "the skin of the teeth" at all. That is not an expression I normally use.

I don't recall actually putting it as strongly as nobody believed him. My recollection is basically what I think what I put in my prosecutive memorandum, that there were problems because of, the way I would put it, the disturbing vagueness of his testimony, and he had an explanation for that and he gave it to the Grand Jury and I think their reaction was the same as mine, you know, it was vague, and perhaps to use Mr. Petersen's phrase, it may have been our joint "poor boy" syndrome.

Magruder kept saying that and he was examined at length about this in the Grand Jury. Well, did you get any accounting from Liddy for this $250,000 authorization? Not really. Why not? He was the expert in these matters. I was interested in advertising. That was my skill. If you ask me about advertising, how money was spent, I kept close tabs on that because I know and I am familiar with it. But investigations, intelligence, I don't know anything about that.

That was Mr. Liddy's expertise or area of expertise and he and I didn't get along, I was afraid of him, we operated on a different premise, we didn't communicate that

well, and $250,000 was not that important to me. I was dealing with $35 million, $10 million for advertising. And as I said, there was a vagueness about that testimony and that is what I tried to relay, I believe, to Mr. Petersen.

There was a disturbing vagueness about his testimony but that we had nothing substantive to counteract it to show that it was wrong, to show it was false or it was inaccurate.

Senator Hart. Ultimately, though, you decided to use Magruder as a key trial witness?

Mr. Silbert. Well, Senator, you put that phrase "key" on it. He was a witness. We did rely on him together with Porter, to explain how Liddy got that money. But, for example, in my closing argument, which was 63 pages long, I think I referred to Magruder once. So that how you classify a witness "key" or not "key," you know that is a question of judgment, Senator.

Senator Hart. In light of this magnificent hindsight I am engaging in, would you have done it the same way?

Mr. Silbert. If I knew he was committing perjury? Of course, not.

Senator Hart. At the trial Judge Sirica elicited from Mr. Sloan testimony substantially as follows:

Sloan said when Magruder asked him to pay substantial sums to Liddy, Sloan checked with his boss, Mr. Stans.

52. At the end of August 1972 John Ehrlichman met with the President and discussed what public statements the President should make about the White House and CRP involvement in the June 17th break-in. The President decided that he would state that there was no involvement of present White House employees. On August 29, 1972 in a press conference the President stated that John Dean, under the President's direction, had conducted a complete investigation of all leads that might involve any present members of the White House staff or anybody in the Government. The President said, "I can say categorically that his investigation indicates that no one in the White House staff, no one in this Administration, presently employed, was involved in this very bizarre incident." John Dean has denied conducting that investigation. The President also stated that the FBI and the Department of Justice had had the total cooperation of the White House and that CRP was continuing its investigation.

Page

52.1 John Ehrlichman testimony, 7 SSC 2726.....588

52.2 President Nixon news conference, August 29, 1972, 8 Presidential Documents 1306.....589

52.3 John Dean testimony, Watergate Grand Jury, November 19, 1973, 48-50 (received from Watergate Grand Jury).....590

tually the management elements of the campaign and then, as I say, I left earlier than the others about a week or 10 days to go and look after the platform.

My belief, and I am only stating my belief, my assumption is that prior to the commencement of the convention that idea was set aside as a poor idea because the Watergate was not our issue. It was their issue, and one did not talk about their issue. One only talked about our issues, and that we would be prejudicing the rights of individuals who might be involved, and we could not do that, and there were other reasons of that kind that were apparently advanced in discussion, and it simply didn't ever get off the ground.

Well, I didn't forget the idea. After our convention, when the President went to California, it seemed to me still very legitimate for us to make very clear the fact that the White House was not involved, even if we could not take the other leg of the argument and say that the Committee To Re-Elect had had a similar investigation itself. So I discussed this with the President. He agreed that this would be a very good thing. He questioned me closely on how certain he could be of the soundness of that assertion and I told him what I knew dating from July 31 through any subsequent events, and I vouched to him that everything that had been reported to me corroborated that what he was about to say if he were asked at this press conference, and so on August 29 he went out and spoke as to the White House only with regard to this.

Now, by way of some corroboration, if it is needed on the matter of the Committee To Re-Elect side, Mr. Dean, in fact, wrote up a few pages of what Clark MacGregor might say if he did go out and have a press conference on this subject. Either on the date I suggested or some other date, and Mr. MacGregor, I think, does remember having received that memo, it was his opinion that it was very bland, innocuous, and did not make a case convincingly. Mr. MacGregor had conducted his own inquiry at the committee and had interviewed everybody in the hierarchy over there, and had more or less satisfied himself, but he did not feel he was in a position to personally vouch.

Senator GURNEY. Just one question there. At that time, of course, you knew that Mr. Dean and Mr. Kalmbach were engaged in raising money to pay these defendants, and we will use their version, for legal fees and family support. Now, there was certainly some White House involvement in this business whether it was legal or illegal, it was White House involvement. Did you ever tell the President about that?

Mr. EHRLICHMAN. I do not know that I ever did, Senator, and I think the inquiry here—and I do not think this is an artificial distinction—that the whole focus here at this time was on how this thing happened, and we were talking about this thing being the break-in. I do not think that there was anybody who really felt that there was, at least I did not feel that there was any kind of a coverup going on at that time. I did not—it just did not dawn on me and I considered what Mr. Kalmbach was doing perfectly proper. But the President spoke to the question, "How did this break-in occur?" And he said, "Nobody in the White House had anything to do with the planning or discussion of this break-in," which was the subject that everybody was focusing on at that point in time and in which Mr. Dean's investigation went to.

Withdrawal of United States Troops From Vietnam

Statement by the White House Press Secretary Announcing the Withdrawal of Additional Troops. August 29, 1972

The President asked me to announce this morning that after consultation with the Government of the Republic of Vietnam, and after a thorough review of the Indochina situation, President Nixon has decided to continue our withdrawal program to an authorized level of 27,000 by December 1, 1972.

This new level of 27,000 which will be achieved by December 1, 1972, will bring the total number of troops withdrawn by President Nixon to 522,000 or 95 percent of the authorized level when President Nixon took office.

NOTE: Press Secretary Ronald L. Ziegler made the statement at his morning news conference on Tuesday, August 29, 1972, at San Clemente, Calif. It was not issued in the form of a White House press release.

THE PRESIDENT'S NEWS CONFERENCE OF AUGUST 29, 1972

THE PRESIDENT. We will go right ahead with your questions, because I know you want to cover perhaps some international as well as domestic matters, including, I understand, for the first time, political matters.

HANDLING OF CAMPAIGN FUNDS

Q. Mr. President, are you personally investigating the mishandling of some of your campaign funds, and do you agree with former Secretary Connally that these charges are harmful to your reelection?

THE PRESIDENT. Well, I commented upon this on other occasions, and I will repeat my position now.

With regard to the matter of the handling of campaign funds, we have a new law here in which technical violations have occurred and are occurring, apparently, on both sides. As far as we are concerned, we have in charge, in Secretary Stans, a man who is an honest man and one who is very meticulous, as I have learned from having him as my treasurer and finance chairman in two previous campaigns, in the handling of matters of this sort.

Whatever technical violations have occurred, certainly he will correct them and will thoroughly comply with the law. He is conducting any investigation on this matter, and conducting it very, very thoroughly, because he doesn't want any evidence at all to be outstanding, indicating that we have not complied with the law.

INVESTIGATIONS OF CONTRIBUTIONS AND WATERGATE CASE

Q. Mr. President, wouldn't it be a good idea for a special prosecutor, even from your standpoint, to be appointed to investigate the contribution situation and also the Watergate case?

THE PRESIDENT. With regard to who is investigating it now, I think it would be well to notice that the FBI is conducting a full field investigation. The Department of Justice, of course, is in charge of the prosecution and presenting the matter to the grand jury. The Senate Banking and Currency Committee is conducting an investigation. The Government Accounting Office, an independent agency, is conducting an investigation of those aspects which involve the campaign spending law. Now, with all of these investigations that are being conducted, I don't believe that adding another special prosecutor would serve any useful purpose.

The other point that I should make is that these investigations, the investigation by the GAO, the investigation by the FBI, by the Department of Justice, have, at my direction had the total cooperation of the—not only the White House—but also of all agencies of the Government. In addition to that, within our own staff, under my direction, Counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present members of the White House Staff or anybody in the Government. I can say categorically that his investigation indicates that no one in the White House Staff, no one in this Administration, presently employed, was involved in this very bizarre incident.

At the same time, the committee itself is conducting its own investigation, independent of the rest, because the committee desires to clear the air and to be sure that as far as any people who have responsibility for this campaign are concerned, that there is nothing that hangs over them. Before Mr. Mitchell left as campaign chairman he had employed a very good law firm with investigatory experience to look into the matter. Mr. MacGregor has continued that investigation and is continuing it now. I will say in that respect that anyone on the campaign committee, Mr. MacGregor has assured me, who does not cooperate with the investigation or anyone against whom charges are leveled where there is a prima facie case that those charges might indicate involvement will be discharged immediately. That, of course, will be true also of anybody in the Government. I think under these circumstances we are doing everything we can to take this incident and to investigate it and not to cover it up. What really hurts in matters of this sort is not the fact that they occur, because overzealous people in campaigns do things that are wrong. What really hurts is if you try to cover it up. I would say that here we are, with control of the agencies of the Government and presumably with control of the investigatory agencies of the Government with the exception of the GAO, which is independent. We have

DV

Q And what did you tell Mr. Ehrlichman?

A Well, I reported to Mr. Ehrlichman everything that Liddy had told me and I recall recounting back to him, trying to put all the pieces I had available at that point together, by telling him about the meetings which had occurred in the Attorney General's Office in January and February of '72.

Q Those were the meetings at which Liddy presented his intelligence programs?

A That's correct.

Q Did Mr. Ehrlichman again mention that he was going to meet with Mr. Colson later that afternoon?

A He did. He mentioned that Mr. Colson was seeking a meeting and that he wanted me to be present in that meeting when it took place.

Q Did Mr. Ehrlichman also mention to you, on June 19th at some time, that you ought to contact the Justice Department to find out what was going on in the investigation?

A Yes, he did.

Q And what did you do about that, if anything?

A I called Mr. Kleindienst and had a conversation with Mr. Kleindienst and I later saw Mr. Kleindienst.

Q Now, during these first few conversations with Mr. Ehrlichman, after the Watergate break-in, did he instruct you to conduct an investigation and to determine whether anyone in the White House was responsible or had knowledge of the

DV

Watergate break-in? Give you a specific instruction to conduct a Watergate investigation?

A I wouldn't say it was an instruction to conduct an investigation. He just told me to keep my eyes and ears open and learn what I could.

Q Did Mr. Ehrlichman, or anyone else in the White House, ever give you a specific instruction to conduct an investigation into this matter, telling you that it was your responsibility to make a determination of the facts and determine whether anyone in the White House was involved or responsible?

A Well, I wouldn't say that it was really until late August, when it was reported that I had conducted such an investigation, that there ever became any semblence of such an investigation and, after that, when it had been put on the public record that I had conducted an investigation, I began to pretend like I had conducted an investigation.

But I am unaware of ever being instructed to do an investigation, because I would have proceeded much differently if I was investigating. I was merely sort of catch as catch can.

Q Was this -- did it naturally fall to you, as counsel to the President, as a person who had had formal liaison with the Justice Department, and the informal contacts there, to be the person at the White House most aware of what was going on

DV

in the Watergate investigation?

A Well, with things like this, what would generally happen is that after Mr. Haldeman and Mr. Ehrlichman would either lose interest or get consumed in something else, it would fall to me to be the man to follow up and continue the liaison and keep them abreast of what I was learning.

Q Are you speaking now about legal matters and Justice Department matters, generally?

A No, I can't say that generally, no, because, for example, antitrust areas were something I very seldom got into.

Q I mean you are not speaking simply of Watergate?

A No, I'm not. I'm thinking of other instances where things were rather active for a while and they die off. I'm thinking of the Lithuanian defecter problem, where everyone had their hands in it for a while and then, when it fell to the dailyjob of keeping abreast of what was happening, when it wasn't in the headlines, that was my job.

I'm thinking of the Calley case, where there was a great flurry of activity, and when it got down to, you know, following daily what indeed was happening to Mr. Calley, that was my office. That's the way things generally happened there

Q Now, on June 19th, did you also have a meeting with Gordon Strachan?

A Yes, I did.

53. On September 15, 1972 the President met with H. R. Haldeman and John Dean. Certain subjects were discussed in the course of the September 15, 1972 meeting:

	Transcript Page
Filing of indictment against seven Watergate defendants	4-6
Manner in which Dean has handled Watergate matter	17
Human frailties and bitterness between Finance Committee and Political Committee	20-21
Governmental power and political opponents	21-25, 35-36
White House and Watergate matter	32-33

Page

53.1 Tape recording of a meeting among the President, H. R. Haldeman and John Dean on September 15, 1972 and House Judiciary Committee transcript thereof....594

53.2 H. R. Haldeman's notes of meeting with the President on September 15, 1972 (received from Watergate Grand Jury)....637

53.3 H. R. Haldeman's notes of listening to tape recording of a meeting with the President and John Dean on September 15, 1972 (received from Watergate Grand Jury)....639

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING AMONG THE PRESIDENT, H. R. HALDEMAN AND JOHN DEAN ON SEPTEMBER 15, 1972

PRESIDENT: [Unintelligible]

HALDEMAN: John, he is one of the quiet guys that gets a lot done. That was a good move, too, bringing Dean in. But it's --

PRESIDENT: It -- He'll never, he'll never gain any ground for us. He's just not that kind of guy. But, he's the kind that enables other people to gain ground while he's making sure that you don't fall through the holes.

PRESIDENT: Oh. You mean --

HALDEMAN: Between times, he's doing, he's moving ruthlessly on the investigation of McGovern people, Kennedy stuff, and all that too. I just don't know how much progress he's making, 'cause I --

PRESIDENT: The problem is that's kind of hard to find.

HALDEMAN: Chuck, Chuck has gone through, you know, has worked on the list, and Dean's working the, the thing through IRS and, uh, in some cases, I think, some other [unintelligible] things. He's -- He turned out to be tougher than I thought he would, which is what

PRESIDENT: Yeah.

HALDEMAN: is --

PRESIDENT: You put anybody else that you want to run in in the morning, you can. [Unintelligible] I'm going to stick around here for awhile. I don't think I can do this finance group in the morning. I think it's too quick after the Watergate. Let's do it next Monday or Tuesday. That ought to be about it.

HALDEMAN: Let me check and see.

PRESIDENT: You know who he's, uh [unintelligible]

HALDEMAN: There isn't, I don't think, anything pending, but I'll check.

PRESIDENT: You know, we ought to get something together. Shriver's put out his financial statement now, too. While you're at it, I'd deliberately raise mine other than in [unintelligible]

HALDEMAN: Oh yeah, we're pushing that hard. The Vice President was delighted with that.

PRESIDENT: Did he get the point?

HALDEMAN: Yeah absolutely.

PRESIDENT: [Unintelligible]. Now we want -- in that regard, I don't think he [unintelligible] wife, did she?

HALDEMAN: I don't know, but I would guess his wife probably doesn't have any and so it won't make any difference.

PRESIDENT: Make any dif-- she might.

HALDEMAN: She must.

PRESIDENT: Make him report it.

HALDEMAN: But this Shriver one, we --

PRESIDENT: The Shriver one, the -- Yeah. She'll have to report [unintelligible] to the organization [unintelligible] trust.

HALDEMAN: Yeah, it's all in trust. She only has about twenty thousand dollars. Kennedy put his stocks up, tried for the trust to put, you know, what it was worth.

[Dean enters room]

PRESIDENT: Hi, how are you?

DEAN: Yes sir.

PRESIDENT: Well, you had quite a day today, didn't you? You got, uh, Watergate, uh, on the way, huh?

DEAN: Quite a three months.

HALDEMAN: How did it all end up?

DEAN: Uh, I think we can say "Well" at this point. The, uh, the press is playing it just as we expect.

HALDEMAN: Whitewash?

DEAN: No, not yet; the, the story right now --

PRESIDENT: It's a big story.

DEAN: Yeah.

PRESIDENT: [Unintelligible]

HALDEMAN: Five indicted,

DEAN: Plus,

HALDEMAN: They're building up the fact that one of --

DEAN: plus two White House aides.

HALDEMAN: Plus, plus the White House former guy and all that. That's good. That, that takes the edge off whitewash

really -- which -- that was the thing Mitchell kept saying that,

PRESIDENT: Yeah.

HALDEMAN: that to those in the country, Liddy and, and, uh, Hunt are big men.

DEAN: That's right.

PRESIDENT: Yeah. They're White House aides.

DEAN: That's right.

HALDEMAN: And maybe that -- Yeah, maybe that's good.

PRESIDENT: How did MacGregor handle himself?

DEAN: I think very well. He had a good statement. Uh, he said that the, uh, the Grand Jury indictment speaks for itself and that, uh, it's now time to realize that some apologies may be due.

HALDEMAN: Fat chance. [Laughs]

DEAN: Yeah. [Unintelligible].

PRESIDENT: We couldn't do that [unintelligible] just remember all the trouble they gave us on this. We'll have a chance to get back at them one day. How are you doing on your other investigations? Your -- How does this [unintelligible]

How does this [unintelligible]

DEAN: [Unintelligible] end of the, uh --

HALDEMAN: What's happened on the bug?

PRESIDENT: Hard, hard to find -- on the what?

HALDEMAN: The bug.

DEAN: The second bug. There was another bug found in the phone of, uh, the first --

PRESIDENT: You don't think it was one left over from the previous job?

DEAN: We're -- Absolutely not. The, the Bureau has, uh, checked and re-checked. The man who checked the phone first said that his first check was thorough and it was not there in the instrument [clears throat] and that indeed it had to be planted after --

PRESIDENT: What the hell do you think is involved? What's your guess?

DEAN: I think the DNC planted it, quite clearly.

PRESIDENT: You think they did it?

DEAN: Uh huh.

PRESIDENT: Deliberately?

DEAN: [Unintelligible]

PRESIDENT: Well, what in the name of Christ -- who do they think -- that anybody was -- They really [unintelligible] want to believe that we planted that?

HALDEMAN: Did they get anything on the fingerprints?

DEAN: No they [unintelligible]

HALDEMAN: There weren't any?

DEAN: neither on the telephone or on the, uh, on the bug. The, uh, well, the FBI has unleashed a full blast investigation over at the DNC starting with O'Brien right now.

HALDEMAN: [Laughs] Using the same crews now that they have nothing to do in Washington.

DEAN: [Unintelligible] the same Washington Field Office.

PRESIDENT: What are they doing? Asking them what kind of questions?

DEAN: Anything that they can think of because what happened, O'Brien has charged the Bureau with failing to, uh, find all the, all the bugs, whenever [unintelligible]

HALDEMAN: Good, that'll make them mad.

DEAN: So, so, Gray is pissed now and his people are kind of pissed off. So they're moving in because their reputation's on the line. That's, uh, do you think that's a good development?

PRESIDENT: I think that's a good development because it makes it look so God damned phony, doesn't it? The whole --

DEAN: Absolutely.

PRESIDENT: Or am I wrong?

DEAN: No, no sir. It, it --

PRESIDENT: -- looks silly.

DEAN: If we can, if we can find that the DNC planted that, the whole story is going to -- the whole -- just will reverse.

PRESIDENT: But how could they, how could you possibly find it, though?

DEAN: Well, there's a way. They're, they're trying to ascertain who made the bug.

PRESIDENT: Oh.

DEAN: If they -- It's a custom-made product.

PRESIDENT: Oh.

DEAN: If they can get back to the man who manufactured it, then they can find out who he sold it to, and how it came down through the chain.

PRESIDENT: Boy, you know, you never know. When those guys get after it, they can find it. They --

DEAN: The resources that have been put against this whole investigation to date are really incredible. It's truly a, it's truly a larger investigation than was conducted against, uh, the after inquiry of the JFK assassination.

PRESIDENT: Oh.

DEAN: And good statistics supporting that. Kleindienst is going to have a --

HALDEMAN: Isn't that ridiculous though?

PRESIDENT: What is?

HALDEMAN: This silly ass damn thing.

PRESIDENT: Yeah.

HALDEMAN: That kind of resources against --

PRESIDENT: Yeah for Christ's sake [unintelligible]

HALDEMAN: Who the hell cares?

PRESIDENT: Goldwater put it in context, he said "Well, for Christ's sake, everybody bugs everybody else. We know that."

DEAN: That was, that was priceless.

HALDEMAN: Yeah. I bugged --

PRESIDENT: Well, it's true. It happens to be totally true.

DEAN: [Unintelligible]

PRESIDENT: We were bugged in '68 on the plane and bugged in '62, uh, even running for Governor. God damnedest thing you ever saw.

DEAN: It was a shame that, that, evidence to the fact that that happened in '68 was never preserved around. I understand that only the former Director had that information.

HALDEMAN: No, that's not true.

DEAN: There was direct evidence of it?

PRESIDENT: Yeah.

HALDEMAN: There's others who have that information.

PRESIDENT: Others know it.

DEAN: DeLoach?

PRESIDENT: DeLoach, right.

HALDEMAN: I've got some stuff on it, too, in the bombing halt study. 'Cause it's all -- that's why, the, the stuff I've got we don't --

PRESIDENT: The difficulty with using it, of course, is that it reflects on Johnson.

DEAN: Right.

PRESIDENT: He ordered it. If it weren't for that, I'd use it. Is there any way we could use it without reflecting on Johnson? How -- Now, could we say, could we say that the Democratic National Committee did it? No, the FBI did the bugging, though.

HALDEMAN: That's the problem.

DEAN: Is it going to reflect on Johnson or Humphrey?

HALDEMAN: Johnson. Humphrey didn't do it.

DEAN: Humphrey didn't do it?

PRESIDENT: Oh, hell no.

HALDEMAN: He was bugging Humphrey, too. [Laughs]

PRESIDENT: Oh, God damn.

HALDEMAN: [Laughs]

PRESIDENT: Well, on the other hand, maybe, uh -- I'll tell you who to call. I want you to ask Connally. Whatever he thinks, maybe we ought to just, just let that one fly. I mean, I don't think he will, I don't think he will [unintelligible] Johnson. [Unintelligible]. And also it reflects on the Bureau. [Unintelligible]

DEAN: [Unintelligible]

PRESIDENT: They, they, they hate to admit that --

HALDEMAN: It's a rough one on them with, with all this stuff about they don't do Congressmen, and all that

PRESIDENT: That's right.

HALDEMAN: sort of stuff [unintelligible]

PRESIDENT: I --

HALDEMAN: do a presidential [unintelligible]

PRESIDENT: It isn't worth it. It isn't worth it, damn it. It isn't worth -- the hell with it. What is the situation on your,

uh, on the, on the little red box? Did they find what the hell that, that is? Have they found the box yet?

DEAN: Gray has never had access to the box. He is now going to pursue the box. I spoke with him just, just about, uh, oh, thirty minutes ago and Pat said, "I don't know about the box. Uh, don't know where it is now. We never had an opportunity before, when it was, first, uh, released in the press there was a box, to go in. But," he said, "I think we have grounds now to go in and find out what it's all about."

HALDEMAN: The last public story was that she handed it over to Edward Bennett Williams.

DEAN: That's right.

PRESIDENT: Perhaps the Bureau ought to go over --

HALDEMAN: The Bureau ought to go into Edward Bennett Williams and let's start questioning that son-of-a-bitch. Keep him tied up for a couple of weeks.

PRESIDENT: Yeah, I hope they do. They -- The Bureau better get over pretty quick and get that red box. We want it cleared up. [Unintelligible]

DEAN: That's exactly the way I, I gave it to Gray. I, uh, uh --

PRESIDENT: We want it cleared up. We want to get to the bottom of it. If anybody is guilty over here we want to know.

HALDEMAN: [Unintelligible] in the news. [Laughs]

DEAN: Another interesting thing that's developed is, regarding the private litigation we've got is, uh, the Stans' libel action was assigned to Judge Richey.

PRESIDENT: Oh, Christ.

DEAN: Well, now, that's good and bad. Uh, Judge Richey is not known to be one of the intellects on the bench. That's conceded by many that he is uh, uh --

PRESIDENT: [Unintelligible] in his own stupid way he's sort of, uh --

DEAN: Well, he's been thoroughly candid in his dealing with people about the case. He's made several entrees, uh, off the bench, to, to, uh, (1) to Kleindienst; (2) to, uh, his old friend Roemer McPhee, to keep Roemer abreast of what his thinking is. He told Roemer he thought that Maury ought to file a libel action.

PRESIDENT: Did he?

DEAN: [Laughs]

PRESIDENT: Good.

DEAN: Uh --

HALDEMAN: Well, can he deal with that case concurrently with the other case?

DEAN: Yeah. The, the fact that the, the civil case came to a halt, that the depositions were halted and he --

HALDEMAN: opened his calendar for a few days.

DEAN: Well, it did that, and more than that. He had been talking to Silbert, and Silbert, uh, the U. S. Attorney down here, the Assistant U. S. Attorney was saying, "We are going to have a hell of a time drawing these indictments up because of the fact these civil depositions keep coming out and the Grand Jury's got one eye on this civil case because they don't want to get themselves caught, uh, coming out with indictments and the civil case'll do something differently, so --

UNIDENTIFIED: Would you like to take Clark now, sir?

HALDEMAN: MacGregor's call?

PRESIDENT: Yeah. Go ahead.

DEAN: So, based, based on that, uh, uh, when Silbert had told Richey this and had a casual encounter -- in fact, uh, it

was just in the hall -- Richey, the next thing he does is he stops the civil case so Silbert can get the indictment down.

[Telephone rings]

PRESIDENT: Hm.

DEAN: So it's, it's, uh -- he's got, he's got the abuse of process suit also. [Unintelligible]

PRESIDENT: Yeah. Hello.

Well you still alive?

Yeah, yeah.

I was just sitting here with John Dean and he tells me that, uh, that you, that you're going to probably be sued or some damn thing, I don't know.

DEAN or HALDEMAN: Oh, God. Now don't say that.

PRESIDENT: Did you put that last bug in?

Yeah. [Unintelligible] suit.

[Unintelligible]. Yeah.

Yeah.

That's right, that's right. [Unintelligible]

Yeah.

Good.

Sure.

Well, I'll tell you, uh, just don't let this keep you or your colleagues from concentrating on the big game. Yeah, that's right. I mean this, uh, this thing is just, uh, you know, one of those side issues and a month later everybody looks back and wonders what the hell the shouting was about.

Yeah. Yeah.

Okay, well, anyway get a good night's sleep. And don't don't bug anybody without asking me. Okay?

Yeah.

DEAN: Three months ago I would have had trouble predicting where we'd be today. I think that I can say that fifty-four days from now that, uh, not a thing will come crashing down to our, our surprise.

PRESIDENT: Say what?

DEAN: Nothing is going to come crashing down to our surprise, either --

PRESIDENT: Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh, and, uh, and the people who worked [unintelligible] awfully embarrassing. And, uh, and, the, uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you -- putting your fingers in the dikes every time that leaks have sprung here and sprung there. [Unintelligible] having people straighten the [unintelligible]. The Grand Jury is dismissed now?

DEAN: That is correct. They'll, they will have completed and

they will let them go, so there will no continued investigation prompted by the Grand Jury's inquiry. The, uh, GAO report that was referred over to Justice is on a shelf right now because they have hundreds of violations. They've got violations of McGovern's; they've got violations of Humphrey's; they've got Jackson violations, and several hundred Congressional violations. They don't want to start prosecuting one any more than they want the other. So that's, uh --

PRESIDENT: They damn well not prosecute us unless they prosecute all the others.

DEAN: That's right. That's right. Well, we are really talking about technical violations that were referred over also.

PRESIDENT: Sure. Sure. What about, uh, uh, watching the McGovern contributors and all that sort of thing?

DEAN: We've got a, we've got a hawk's eye on that.

PRESIDENT: Yeah.

DEAN: And, uh, uh, he is, he is not in full compliance.

PRESIDENT: He isn't?

DEAN: No.

PRESIDENT: Well, now, he has his three-hundred committees; have they all reported yet? Have we -- we reported ours

DEAN: Yes we -- Well, we have a couple of delinquent state committees out, uh --

PRESIDENT: [Unintelligible] if it's done, huh?

DEAN: If they --

PRESIDENT: [Unintelligible] paper committees all reported, the three-hundred or so committees he's supposed to have.

DEAN: No, they have not.

PRESIDENT: Can we say something about that, or have we?

DEAN: Well, one of the things that he has not done, is he has never disclosed the fact that he's got some three-hundred committees. This has been a Wall Street Journal piece that picked it up and carried it and, uh --

PRESIDENT: [Unintelligible] say that publicly?

DEAN: No, he hasn't. And it's been employed as a tax sham that he set it up for. And -- It is hard to comprehend why he set up three-hundred committees, frankly. Uh, he doesn't need that many, he doesn't have that sort of large contributors, where they have to disburse small [unintelligible]

HALDEMAN: Unless someone's giving nine hundred thousand dollars.

DEAN: That's right.

PRESIDENT: Which could be very possible.

HALDEMAN: He may be getting nine hundred thousand dollars from somebody.

PRESIDENT: From two or three. He may have some big angels. I don't think he is getting a hell of a lot of small money. I don't think so. I don't believe this crap. I mean if he -- Have you had your Post Office check yet?

HALDEMAN: That John was going to do. I don't know.

PRESIDENT: That's an interesting thing to check.

HALDEMAN: Yeah.

PRESIDENT: You know how little [unintelligible]

DEAN: [Unintelligible] is right, because as I see it, now, the only problems that, uh, that we have are, are the human problems and we'll keep a close eye on that.

PRESIDENT: Union?

DEAN: Human.

PRESIDENT: Oh.

DEAN: [Unintelligible]

HALDEMAN: People -- Human frailties, where people fall apart.

DEAN: Human frailties -- people getting annoyed and some finger-pointing and false accusations, and any internal dissension of that nature.

PRESIDENT: You mean on this case?

DEAN: On this case. Uh, there is some bitterness between, for example, the Finance Committee and the Political Committee. They feel that they're taking all the heat, and, and, uh, all the people upstairs are bad people and they're not being recognized.

PRESIDENT: Ridiculous.

DEAN: It is -- I mean --

PRESIDENT: They're all in it together.

DEAN: That's right.

PRESIDENT: They should just, uh, just behave and, and, recognize this, this is, again, this is war. We're getting a few shots and it'll be over. And, we'll give them a few shots. It'll be over. Don't worry. [Unintelligible]. I wouldn't want to be on the other side right now. Would you? I wouldn't want to be in Edward Bennett Williams', Williams' position after this election.

DEAN: No. No.

PRESIDENT: None of these bastards --

DEAN: He, uh, he's done some rather unethical things that have come to light already, which in -- again, Richey has brought to our attention.

PRESIDENT: Yeah?

DEAN: He went down --

HALDEMAN: Keep a log on all that.

DEAN: Oh, we are, on these. Yeah.

PRESIDENT: Yeah.

HALDEMAN: Because afterwards that is a guy,

PRESIDENT: We're going after him.

HALDEMAN: that is a guy we've got to ruin.

DEAN: He had, he had an ex parte --

PRESIDENT: You want to remember, too, he's an attorney for the Washington Post.

DEAN: I'm well aware of that.

PRESIDENT: I think we are going to fix the son-of-a-bitch.

Believe me. We are going to. We've got to, because he's a bad man.

DEAN: Absolutely.

PRESIDENT: He misbehaved very badly in the Hoffa matter. Our -- some pretty bad conduct, there, too, but go ahead.

DEAN: Well, that's, uh, along that line, uh, one of the things I've tried to do, is just keep notes on a lot of the people who are emerging as,

PRESIDENT: That's right.

DEAN: as less than our friends.

PRESIDENT: Great.

DEAN: Because this is going to be over someday and they're -- We shouldn't forget the way some of them have treated us.

PRESIDENT: I want the most, I want the most comprehensive notes on all of those that have tried to do us in. Because they didn't have to do it.

DEAN: That's right.

PRESIDENT: They didn't have to do it. I mean, if the thing had been a clo--, uh, they had a very close election

everybody on the other side would understand this game. But now they are doing this quite deliberately and they are asking for it and they are going to get it. And this, this -- We, we have not used the power in this first four years, as you know.

DEAN: That's right.

PRESIDENT: We have never used it. We haven't used the Bureau and we haven't used the Justice Department, but things are going to change now. And they're going to change, and, and they're going to get it right --

DEAN: That's an exciting prospect.

PRESIDENT: It's got to be done. It's the only thing to do.

HALDEMAN: We've got to.

PRESIDENT: Oh, oh, well, we've just been, we've been just God damn fools. For us to come into this election campaign and not do anything with regard to the Democratic Senators who are running, and so forth. [Characterizations deleted] That'd be ridiculous. Absolutely ridiculous. It's not going, going to be that way any more, and, uh --

HALDEMAN: Really, it's ironic, you know, because we've gone to such extremes to do every --. You know, you, you and your damn regulations with

PRESIDENT: Right.

HALDEMAN: Everybody worries about,

PRESIDENT: That's right.

HALDEMAN: about picking up a hotel bill or anything.

DEAN: Well, I think, we can, I think, I think we can be proud of the White House staff. It really has,

PRESIDENT: That's right.

DEAN: had no problems of that --

PRESIDENT: Well, that's right.

DEAN: And they're looking, this GAO audit that's going on right now, uh, I think that they have got some suspicion, uh, in even a cursory investigation, which is not going to discover anything, that they're going to find something here. I learned today, incidentally, that, that, uh, I haven't confirmed this because it's -- came from the GO, GAO auditor, investigator who's down here, that he is down here at the Speaker of the House's request, which surprised me.

HALDEMAN: Well, God damn the Speaker of the House. Maybe we better put a little heat on him.

PRESIDENT: I think so too.

HALDEMAN: Because he's got a lot worse problems than he's going to find down here.

DEAN: That's right.

PRESIDENT: I know.

HALDEMAN: That's the kind of thing --

PRESIDENT: [Unintelligible] let the police department [unintelligible]

HALDEMAN: That's the kind of thing that, you know, you -- What we really ought to do is call the Speaker and say, "I regret to see you ordering GAO down here because of what it's going to cause us to require to do to you."

PRESIDENT: Why don't you just have Harlow go see him and tell him that?

HALDEMAN: Because he wouldn't do it.

PRESIDENT: Huh?

HALDEMAN: 'Cause he wouldn't do it.

PRESIDENT: Harlow wouldn't do it, you mean.

HALDEMAN: Harlow would say, "Mr. Speaker --"

PRESIDENT: Yeah.

DEAN: I, I suppose the other area we are going to some publicity on in the coming weeks because, uh, I think after the, now that the indictments are down, there's going to be a cresting on that. The whitewash charge of course, but, uh, I think we can handle that while the civil case is in abeyance. But Patman's hearings, uh, his Banking and Currency Committee, and we've got to -- whether we will be successful or not in turning that off, I don't know. We've got a plan whereby Rothblatt and Bittman, who are counsel for the five men who were, or actually a total of seven, that were indicted today, are going to go up and visit every member and say, "If you commence hearings you are going to jeopardize the civil rights of these individuals in the worst way, and they'll never get a fair trial," and the like, and try to talk to members on, on that level. Uh --

PRESIDENT: Why not ask that they request to be heard by, by the Committee and explain it publicly?

DEAN: How could they -- They've planned that what they're going to say is, "If you do commence with these hearings, we plan to publicly come up and say what you're doing to the rights of individuals." Something to that effect.

PRESIDENT: As a matter of fact they could even make a motion in court to get the thing dismissed.

DEAN: That's another thing we're doing is to, is

PRESIDENT: Because these hearings --

DEAN: bring an injunctive action against, uh, the appearance, say --

HALDEMAN: Well, going the other way, the dismissal of the, of the, of the indictment --

PRESIDENT: How about trying to get the criminal cases, criminal charges dismissed on the grounds that there, well, you know --

HALDEMAN: The civil rights type stuff.

DEAN: Civil rights -- Well that, we're working again, we've got somebody approaching the ACLU for these guys, and have them go up and exert some pressure because we just don't want Stans up there in front of the cameras with Patman and Patman asking all these questions. It's just going to be the whole thing, the press going over and over and over again. Uh, one suggestion was that Connally is, is close to Patman and probably if anybody could talk turkey to Patman, uh, Connally might be able to. Now I don't know if that's, uh, a good idea or not. I don't think he -- don't know if he can. Uh, Gerry Ford is not really taking an active interest in this matter that, that is developing, so Stans can go see Gerry

Ford and try to brief him and explain to him the problems he's got. And then the other thing we are going to do is we're looking at all the campaign reports of every member of that Committee because we are convinced that none of them have probably totally complied with the law either. And if they want to get into it, if they want to play rough, some day we better say, "Well, gentlemen, we think we ought to call to your attention that you haven't complied A, B, C, D, E, and F, and we're not going to hold that a secret if you start talking campaign violations here."

PRESIDENT: Uh, what about Ford? Do you think so? [Unintelligible] do anything with Patman? Connally can't be sent up there.

HALDEMAN: [Unintelligible]

PRESIDENT: Connally

DEAN: If anybody can do it --

PRESIDENT: [Unintelligible] Patman.

DEAN: But if, if Ford can get the minority members, uh, together on that one, it's going to be a lot --

PRESIDENT: They've got very weak man in Widnall, unfortunately. Heckler is all right.

HALDEMAN: Heckler was great.

DEAN: She was great, with, uh --

PRESIDENT: That's what I understand, but you see, Widnall -- let's take somebody -- Gerry could talk to him. Put it down, uh, Gerry should talk to Widnall and, uh, just brace him, tell him I thought it was [unintelligible] start behaving. Not let him be the chairman of the Committee in the House. That's what you want?

DEAN: That would be very helpful, to get our minority side at least together on the thing.

PRESIDENT: Gerry has really got to lead on this. He's got to be really be [unintelligible]

HALDEMAN: Gerry should, damn it. This is exactly the thing he was talking about, that the reason they are staying in is so that they can

PRESIDENT: That's right.

HALDEMAN: run investigations.

PRESIDENT: Well, the point is that they ought to raise hell about this, uh, this -- these hearings are jeopardizing the --

I don't know that they're, that the, the, the counsel calling on the members of the Committee will do much good. I was, I -- it may be all right but -- I was thinking that they really ought to blunderbuss in the public arena. It ought to be publicized.

DEAN: Right.

HALDEMAN: Good.

DEAN: Right.

PRESIDENT: That's what this is, public relations.

DEAN: That's. that's all it is, particularly if Patman pulls the strings off, uh -- That's the last forum that, uh, uh, it looks like it could be a problem where you just have the least control the way it stands right now. Kennedy has also suggested he may call hearings of his Administrative Practices and Procedure Subcommittee. Uh, as, as this case has been all along, you can spin out horribles that, uh, you, you can conceive of, and so we just don't do that. I stopped doing that about, uh, two months ago.

PRESIDENT: Yeah.

DEAN: We just take one at a time and you deal with it based on --

PRESIDENT: And you really can't just sit and worry yourself

DEAN: No.

PRESIDENT: about it all the time, thinking, "The worst may happen," but it may not. So you just try to button it up as well as you can and hope for the best. And,

DEAN: Well if Bob --

PRESIDENT: and remember that basically the damn thing is just one of those unfortunate things and we're trying to cut our losses.

DEAN: Well, certainly that's right and certainly it had no effect on you. That's the, the good thing.

HALDEMAN: It really hasn't.

PRESIDENT: [Unintelligible]

HALDEMAN: No, it hasn't. It has been kept away from the White House almost completely and from the President totally. The only tie to the White House has been the Colson effort they keep trying to haul in.

DEAN: And now, of course,

HALDEMAN: That's falling apart.

DEAN: the two former White House people, low level, indicted, one consultant and one member of the Domestic Council staff. That's not very much of a tie.

HALDEMAN: No.

PRESIDENT: Well, their names have been already mentioned.

DEAN: Oh, they've been --

PRESIDENT: Voluminous accounts.

HALDEMAN: And it's, it's been discounted --

PRESIDENT: You know, they've already been convicted in the press.

DEAN: Absolutely.

HALDEMAN: Yep.

PRESIDENT: God damn it, if they'd been communists you'd have the Washington Post and the New York Times raising hell about their civil rights.

DEAN: That's right.

PRESIDENT: Or Manson.

DEAN: That's right.

PRESIDENT: Jesus Christ. If they'd been killers, wouldn't --

DEAN: That's right.

PRESIDENT: Isn't that true?

DEAN: It's absolutely true.

PRESIDENT: These poor bastards are -- well they've been -- they've got no way they can ever -- In fact, they ought to move the, uh, move the trial away from the --

DEAN: Well, there has been extensive clipping by the counsel in this case, and I've gone through some of these clippings and it's just phenomenal the, uh,

PRESIDENT: Yeah.

DEAN: the amount of coverage this case is getting. They may never get a fair trial, may never get a fair trial. They may never get a jury that can convict them or pull it together. And the Post, as you know, has got a, a, a real large team that they've assigned to do nothing but this,

PRESIDENT: Sure.

DEAN: this case. Couldn't believe they put Maury Stans' story about his libel suit, which was just playing so heavily on the networks last night, and in the evening news, they put it way back on about page eight of the Post

PRESIDENT: Sure.

DEAN: and didn't even cover it as a -- in total.

PRESIDENT: I expect that. That's all right. We've [unintelligible]

HALDEMAN: The Post is --

PRESIDENT: The Post has asked -- it's going to have its problems.

HALDEMAN: [Unintelligible]

DEAN: The networks, the networks are good with Maury coming back three days in a row and --

PRESIDENT: That's right. Right. The main thing is the Post is going to have damnable, damnable problems out of this one. They have a television station

DEAN: That's right, they do.

PRESIDENT: and they're going to have to get it renewed.

HALDEMAN: They've got a radio station, too.

PRESIDENT: Does that come up too? The point is, when does it come up?

DEAN: I don't know. But the practice of non-licensees filing on top of licensees has certainly gotten more,

PRESIDENT: That's right.

DEAN: more active in the, in the area.

PRESIDENT: And it's going to be God damn active here.

DEAN: [Laughs]

PRESIDENT: Well, the game has to be played awfully rough. I don't know -- Now, you, you'll follow through with -- who will over there? Who -- Timmons, or with Ford, or -- How's it going to operate?

HALDEMAN: I'll talk to Bill. I think -- yeah.

DEAN: Dick Cook has been working

HALDEMAN or PRESIDENT: [Unintelligible]

DEAN: on it.

HALDEMAN: Cook is the guy.

DEAN: Dick has been working on it.

PRESIDENT: Maybe Mitchell should --

HALDEMAN: Well, maybe Mitchell ought to -- would, could Mitchell do it?

PRESIDENT: No.

DEAN: I don't really think that would be good.

PRESIDENT: No.

DEAN: I hate to draw him in.

PRESIDENT: Yeah.

DEAN: I think Maury can talk to Ford if that will do any good, but it won't have the same impact, of course, 'cause he's the one directly involved, but I think Maury ought to brief Ford at some point on, on exactly what his whole side of the story is.

HALDEMAN: I'll talk to Cook.

PRESIDENT: Oh, I think Ehrlichman should talk to him. Ehrlichman understands the law, and the rest, and should say, "Now God damn it, get the hell over with this."

HALDEMAN: Is that a good idea? Maybe it is.

PRESIDENT: I think maybe that's the thing to do [unintelligible]. This is, this is big, big play. I'm getting into this thing. So that he -- he's got to know that it comes from the top.

HALDEMAN: Yeah.

PRESIDENT: That's what he's got to know,

DEAN: Right.

PRESIDENT: and if he [unintelligible] and we're not going to -- I can't talk to him myself -- and that he's got to get at this and screw this thing up while he can, right?

DEAN: Well, if we let that slide up there with the Patman Committee it'd be just, you know, just a tragedy to let Patman have a field day up there.

PRESIDENT: What's the first move? When does he call his wit-- , witnesses?

DEAN: Well, he, he has not even gotten the vote of his Committee; he hasn't convened his Committee yet on whether he can call hearings. That's why, come Monday morning, these attorneys are going to arrive, uh, on the doorstep of the Chairman and try to tell him what he's doing if he proceeds. Uh, one of the members, Gary Brown, uh, wrote Kleindienst a letter saying, "If the Chairman holds Committee hearings on this, isn't this going to jeopardize your criminal case?"

PRESIDENT: Brown's a smart fellow. He's from, he's from Michigan

DEAN: That's right.

PRESIDENT: and some tie into Ford. He's very, he's a very smart fellow. Good.

DEAN: Good lawyer and he's being helpful. He is anxious to help.

PRESIDENT: Right, just tell him that, tell, tell, tell Ehrlichman to get Brown in and Ford in and then they can all work out something. But, they ought to get off their asses and push it. No use to let Patman have a free ride here.

DEAN: Well, we can, we can keep them well briefed on moves if they'll, if they'll move when we provide them with the, the strategy. And we will have a raft of depositions going the other way soon. We will be hauling the, the, O'Briens in and the like, and, uh, on our abuse of process suit.

PRESIDENT: What are you going to ask him? [unintelligible] questions?

DEAN: No. This fellow, this fellow Rothblatt, who has started deposing, uh, he's quite a character. He's been getting into the sex life of some of the members of the DNC and --

PRESIDENT: Why? How can -- What's his justification?

DEAN: Well, he's working on an entrapment theory that, uh, uh, they were hiding something or they had secret information, affairs to hide and they, they could, some way, conspire to bring this thing about themselves.

It's a, it's a way-out theory that, uh, no one had [unintelligible]

HALDEMAN: [Laughs]

DEAN: Uh, and he, he had scheduled Patricia Harris and she didn't show up. She went to the beauty parlor instead so he went down to the Court House and she had, had been directed to show up and then the next day the Judge cut all the depositions off. But he had a host of wild questions including, you know, where O'Brien got his compensation when he was Chairman. Not that he knows anything about that, but, uh, it was just an interesting question he thought he might want to ask the, the Chairman under oath.

HALDEMAN: That's -- It gives us, uh, the same hunting license that it gave them.

DEAN: That's right.

HALDEMAN: So we can play the same game they are playing, but we ought to be able to do better at it.

PRESIDENT: Well --

HALDEMAN: Are those depositions sealed?

DEAN: That's right.

HALDEMAN: They are?

DEAN: But that argues that, uh, they won't want them unsealed. They'll want them unsealed less than we will, and we may be arguing at some point to get them unsealed.

PRESIDENT: Yeah.

DEAN: I think what's going to happen on the civil case is the Judge is going to dismiss the pending complaint down there right now. They will then turn around and file a new complaint which will be [unintelligible] come back to Richey again. That, uh, that'll probably happen the twentieth, twenty-first, twenty-second. Then twenty days will run until any answers will have to be filed and these depositions will be commenced so we're, what, we're eating up an awful lot of time for those next fifty-four days.

HALDEMAN: On the other side.

PRESIDENT: Why will they have to dismiss the present --

DEAN: Uh, probably on, on a dual ground, uh, both on the substantive ground that they haven't stated a good cause

of action -- that there is a improper class action filed and that O'Brien indeed doesn't represent any class. Uh, and he'll just dismiss it on the merits. It's not a good complaint. He's already sh..ved it down to almost nothing on his original order. They will then have to re-design it into a much narrower action, but the Judge himself can't suggest something to counsel. But it's -- you've got a good res judicata argument here. If he dismisses on the merits, uh, that they can't file another suit. They're out of the court totally.

HALDEMAN: But our suits do still hang?

DEAN: Our suits are still -- We have two suits, and we have the abuse of process and

HALDEMAN: -- the libel --

DEAN: the libel suit.

HALDEMAN: We can take depositions on both of those?

DEAN: Absolutely.

PRESIDENT: Hell yes.

HALDEMAN: [Laughs]

PRESIDENT: [Unintelligible] depositions.

DEAN: It's a, it's a glimmer down the road anyway, but, uh --

Indistinct document retyped by House Judiciary Committee staff

LOWER PORTION OF PAGE 2 OF H R HALDEMAN'S NOTES
OF SEPTEMBER 15, 1972

John Dean

Ask Conn if we shld let out the
68 bugging

E P.O. ck re McG mail?

T/Cook Ford - brace Widnall re
Patman hearings

E must get minority together
raise hell re jeopardizing defendants

P. can't talk to you -
but it must be done

E get Garry Brown & Ford in

December 19, 1973

I hereby certify that the above is a true copy of the pen and ink notes of H. R. Haldeman relating to the meeting between the President, Mr. Haldeman & John W. Dean, III, on September 15, 1972, in the Oval office from 5:27 to 6:17 PM, submitted as Item IV B, White House Analyses.

JAMES F DAVEY, Clerk

By
James P Capitanio
Deputy Clerk

Indistinct document retyped by House Judiciary Committee staff

DV

53.2 H.R. HALDEMAN NOTES OF SEPTEMBER 15, 1972 MEETING

LOWER PORTION OF PAGE 2 OF H R HALDEMAN'S NOTES
OF SEPTEMBER 15, 1972

L

John Dean

Ask him if we shld let out the
68 buggin

E P.D. cld we use mail?

T/cont Ford- bring Wiggle re
Patman hearings
must get minority Reps the
raise hell re jeopardizing defendants
P can't talk to you —
not if business done
E get Henry Petersen + Ford in

December 19, 1973

I hereby certify that the above is a true copy of the pen and ink notes of H. R. Haldeman relating to the meeting between the President, Mr. Haldeman & John W Dean, III, on September 15, 1972, in the Oval office from 5:27 to 6:17 PM, submitted as Item IV B, White House Analyses.

JAMES F DAVEY, Clerk
By James P Capitanio
James P Capitanio
Deputy Clerk

DV

Indistinct document retyped by
House Judiciary Committee staff

Sept 15, 1972

Wgt on tv

P - Hi how are yu - well you had quite a day today wa[unreadable]
D - quite a 3 mos. -went well - press playing as we'd expect
Not whitewash - Mac hdld well -

the other bug - O'B's complaint
maybe DNC planted that - wld blow it
resources agst invstg are incredible - grtst since Ken

we were bugged in '68 & '62
D - shame '68 evid not around
H - Others know it too
P - trbl w/ using is it reflects on LBJ
ask Conn what he thks - shld we use it
not worth it - too many probs

q. re little red box - D DK where it stds w/FBI

re Richey - both good & bad
wl keep R McPhee abrast
told McPhee Stans shld file libel action
Richey tlkd to Silbert - re civ case depositions

takes Mac. call
don't let this keep you from the big game
it's just a side issue

lose voice sound - then picks up

Page two

nothing wl come out to our surprise

P-way you hdld very skilful - kept finger on dike

no cont. invstg. of GJ
GAO report on shelf have 100's of violations

P.
What about watching McG contribs
D - we have hawk's eye on that
have a few violations - of comms. etc
tax sham re 300 comms - doesn't need
P - re post office ck on McG mail - # of pieces
(to see whether getting lot of small contribs)
D. - have human probs - get annoyed - finger ptg - [unreadable]
ic bitterness btn fin. comm & pol. comm.
P. - they shld all work together
H-
Keep a log on ~~viol~~ what the Dems do

D - tried to keep notes on people emerging who are not [unreadable]
P - want comp. notes on those who tried to do us in
cause didn't have to do it
they're going to get it
we haven't used Bur & Just - but that wl chg
D-that's an exciting prospect

Indistinct document retyped by
House Judiciary Committee staff

Indistinct document retyped by House Judiciary Committee staff

Page three

D - can be proud of WH staff has no probs -
GAO audit - Spkr sent him to audit WH -
H - we shld put heat on him
shld fight back
D - pub wl be whitewash chg
now Patman hearings
Rothblatt & Bittman wl try to turn off rts of dfts
Get ACLU in
don't want Stans up in fnt of cameras
Suggs Conn tlk to Patman
Gerry Ford
chg campaign reports of all membs of Comm - get rough
P analyzes members of Comm.
D - that's the last forum
Kenn may do something
can spin out horribles - stopped doing that
just take one at time
P - worst may happen - can't plan on that
D - its had no effect on P
H - kept away frm WH almost completely - P totally
Cols. effort fell thru
D - two low levels indicted
may never get fair trial
P - Post wl have probs - TV stn renewed - radio stn too
has to be played rough - re Patman
who wl fl thru - cld M - no

Page four

P - maybe E shld talk to Ford - get at this & screw it up

D. Gerry Brown wrote Kldst ltr - very helpful

D - re depositions of Dems - that they conspired to do this
H gives us the same hunting license they have

Page five

P - maybe E shld talk to Ford - get at this & screw it up

D. Gerry Brown wrote Kldst ltr - very helpful

D - re depositions of Dems - that they conspired to do this
H gives us the same hunting license they have

P - lks forward to Just. under control
ref IRS doing him
D - can't get Kimmelman's file - [unreadable] Shultz
prob - so many Dems - we can't get in
round & round for two years
H - don't take risk before elect - after f/u complaints

disc. of cleaning house - after elect -
need a plan to chall appts - have to do it fast
all resigs rt. after elections
H - project going full tilt

Indistinct document retyped by House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

D - you lrn a lot about people when the crunch is on
you get some surprises
disc re bad effect of education - draft dodgers etc
D. re reading book about Aust

P. anyway we'll fix'em.

Indistinct document retyped by
House Judiciary Committee staff

35-780 O - 74 - 42

DV

Sept 15, 1972

[illegible] how can you - keep your head [illegible] say Henry [illegible]
D- gets a 3 hour - can't work - plays golf
Not [illegible] - has headache.

Re other days - O Bs complaint
Maybe can't handle Kay - can't keep it
[illegible] get evidence

we were happy in '68 + '62
D- then '65 said not around
H- Often knew it too
P- tell Ehrlichman is it taped as LBJ
ask Connally what he has - what we use it
not worth it - too many people

[illegible] we talk we do - O.K. show it was after

re Richey - both good + bad
up keep R for Pres. asset
Pat for Pres. stay with [illegible] tied across
Ruby Hart & Stelle - re civil defense

Helms Rec. call
don't let Richey [illegible] from the big game
let get a little more

000001

Use voice count - Kay picks up

Nothing of come out to our surprise

P- keep you hotline very sheltered- keep fingers on this

no cont. w/ny. 7 6 J
OTO report on shelf two Mo's of recordings

Other alternative tape contents
D- we have hands eye on that
have a few versions - 9 comm. etc
Tax plan is 320 comms - doesn't work
P- re post office ch on Feb mail - 4 pieces
(D. recollection only two 7 and contents)
D. - have Ehrlichman get arrayed- finger pty - discuss
IC bitterness like Jew. Comm + pol. comm
P. - they hold all work together

H.
Keep a log on just what the Dems do

D- tried to keep note on people engaging who are hotly for
P- want comp. notes on Brezhnev trips as we
come this have to do
Nixie going to get it
we have it used then + just - Use that to
D- that's an early prospect

000002

D - can be proud of WH staff has no pers -
GAO audit - spoke last time to audit coll -
H - we shld put heat on Kein
shld fight back
D - push up the whitewash cdg
now Patman hearings
Republicans up to turn off the spotlight
gently
don't want stirred up a lot of enemies
keeps Comm & WH & Agencies
Cong Ford
Cmp Campaign reports of all kinds of Comm get through
P analyzes members of Comm
D - Hart's the last free
Comm may do something
can spin out hearings - stopped other hearings
just take one at time
P - what may happen - can't plea on that
D - it had to appear as P
H - kept away from WH and complicity - P totally
Cols. efforts kept them
D - has low level indicted
may never get to trial
P - Post up have pieces - Wash reviewed - radio ads too
has to be played enough - re Patman
Wh[illegible] - CIA M - Mo

000003

P - maybe E shld talk to Ford - get at this & screw it up

D - Guy Brown wrote Klass ltr - very helpful

D - re deportations of Dems - that they cooperated & this
H gets us the same kinds because they have

000001

P - maybe E shld talk to Ford - get at this & screw it up

D - Gray Brown wrote Klast etc - very helpful

D - re demonstrations of Dems - that they expected to do this
H gives us Reason hereby because they have

P - likes Connal to just under control 00 124
re IRS doing him
D - can't get Hamilman's file - Alf Schultz
pers - so many Dems - we can't get in
round & round for two years
H - don't take risk before elect - after file complaints

disc. of clearing house - after elect -
need a plan to shall appts - have to do it fast -
all resigns at after elections
H - project going full tilt

D - you learn a lot about people when the crunch is on
you get some surprises
disc re bad effect of cancer - drop dodgers etc
D re ready book about Cmte

P agency will fit in.

54. On October 5, 1972 the President held a press conference. He stated that the FBI had conducted an intensive investigation of Watergate because "I wanted to be sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-Election had anything to do with this kind of reprehensible activity."

Page

54.1 President Nixon news conference, October 5, 1972, 8 Presidential Documents 1486, 1489.....648

I have often stated my strong belief that the millions of older men and women who did so much to build this Nation should share equitably in the fruits of that labor, and that inflation should not be allowed to rob them of the full value of their pensions. By providing a 20 percent benefit increase without adequate financing, however, this bill goes far beyond reasonable equity.

In passing this bill, the Congress has mistakenly assumed that railroad retirement benefits should be increased by the same percentage as social security benefits. In fact, the two systems are entirely different. Railroad benefits are much higher than social security benefits—for full-career workers the benefits may be twice as high.

The railroad retirement system payments are a combination of social security benefits augmented by the equivalent of a private pension. There is no valid reason why the private pension equivalent necessarily should be increased whenever social security benefits are raised. Other industries have not raised their pension benefits by 20 percent as a result of social security increases, even though most of them provide less adequate benefits.

The argument that these "temporary" benefits do not require a tax increase is, in my judgment, a delusion. I cannot imagine that the Congress would find it possible or desirable to slash railroad retirement benefits next year or in any year.

The imprudence of H.R. 15927 is underscored by the recent report of the Commission on Railroad Retirement. That Commission was created by the Congress in 1970 to study the troubled railroad retirement system and recommend measures necessary to place it on a sound actuarial basis. Yet the Congress acted on H.R. 15927 before it had an opportunity to consider and act on the recommendations of its own Commission for basic changes in the railroad retirement system.

The Commission's findings do not support H.R. 15927 and a majority of the Commissioners recommended against such legislation.

The Commission found that existing railroad retirement benefits are adequate, particularly for workers retiring after a full career. Retired railroad couples receive higher benefits than 9 out of every 10 retired couples in the country. The Commission also reached the sobering conclusion that the enactment of an across-the-board 20 percent increase, without adequate financing, would bankrupt the system in 13 years.

I believe that railroad beneficiaries should now receive the same dollar increases in benefits as social security recipients with similar earnings. A 20 percent increase in the social security portion of railroad retirement benefits can be financed without worsening the financial position of the Railroad Retirement Trust Fund. The Congress followed this sound approach when it increased railroad retirement benefits in 1968.

Therefore, I propose that the Congress enact a bill which again applies this principle, instead of H.R. 15927. The 1972 increase under my proposal would average $28 per month for single retired railroad workers and would be about $47 a month for married couples. It would not deepen the presently-projected deficits of the Railroad Retirement Trust Fund.

I urge the Congress to adopt this prudent alternative, which would give these deserving pensioners an equitable benefit increase on a timely basis and which would still preserve the flexibility for basic readjustments that will be needed later in the railroad retirement system.

Working together, I hope that we can constructively reform this system so it can continue to serve the needs of railroad workers and their families for decades ahead.

RICHARD NIXON

The White House,
October 4, 1972.

NOTE: On the same date, the President's veto was overridden by the House of Representatives and the Senate. The bill (H.R. 15927) became Public Law 92-460, without the President's signature.

THE PRESIDENT'S NEWS CONFERENCE OF OCTOBER 5, 1972

CHARGES OF CORRUPTION

Q. Mr. President, what are you planning to do to defend yourself against the charges of corruption in your Administration?

THE PRESIDENT. Well, I have noted such charges; as a matter of fact, I have noted that this Administration has been charged with being the most corrupt in history, and I have been charged with being the most deceitful President in history.

The President of the United States has been compared in his policies with Adolf Hitler. The policies of the U.S. Government to prevent a Communist takeover by force in South Vietnam have been called the worst crime since the Nazi extermination of the Jews in Germany. And the President who went to China and to Moscow, and who has brought 500,000 home from Vietnam, has been called the number one warmaker in the world.

Needless to say, some of my more partisan advisers feel that I should respond in kind. I shall not do so—not now, not throughout this campaign. I am not going to dignify such comments.

In view of the fact that one of the very few Members of the Congress who is publicly and actively supporting the opposition ticket in this campaign has very vigorously, yesterday, criticized this kind of tactics, it seems to me it makes it not necessary for me to respond.

I think the responsible members of the Democratic Party will be turned off by this kind of campaigning, and I would suggest that responsible members of the

to rely on the possibility that there was going to be a deal until one was made.

If he did rely on it, he probably, in this instance, came out well. He could have come out the other way.

Property Tax Relief

Q. Mr. President, on the question of property taxes Mr. Ehrlichman has said that the Administration's long-term goal is to reduce property taxes by 50 percent, which would mean about $16 billion from the Federal Government presumably to States to make up for the property tax loss. How will you find that $16 billion without having to increase Federal taxes?

THE PRESIDENT. We can't do it all in one bite. We have to begin with that. As Mr. Ehrlichman has indicated, that is why we have set as a goal a 50 percent reduction.

Now, let me indicate to you the priorities that I see developing with regard to property tax relief. We have to start first with the elderly. When I met with Mr. Merriam, who, as you know, is the professional working with the Advisory Committee on Intergovernmental Relations, he gave me some statistics, which to me were terribly depressing. There are 1 million retired people in this country who have incomes of less than $2,000 a year, and, who, on the average, pay a property tax of 33⅓ percent of that income.*

Now that is fiscally wrong, morally wrong, and certainly tax wrong. We must begin by lifting that burden from those people who have worked all their lives, are now retired on what is basically an inadequate amount, and are paying one-third of their taxes (incomes) for property taxes to send, basically, children to school.

I have discussed this matter not only with Mr. Merriam, but Mr. Shultz and I have had, as you have noted, a number of meetings on this in the past few weeks. We hope to have a plan which we can present at an early date. I cannot indicate to you what that date will be, but I will say this: One, we are going to propose to the next Congress a plan that will relieve—what will start down the road of reducing the burden of property taxes.

The first priority will be to reduce the burden of property taxes on the elderly, and second, whatever step we take, one condition is, it must not require any increase in other taxes. We think we have found a formula to do that.

The Watergate Case

Q. Mr. President, don't you think that your Administration and the public would be served considerably and that the men under indictment would be treated better, if you people would come through and make a clean breast about what you were trying to get done at the Watergate?

THE PRESIDENT. One thing that has always puzzled me about it is why anybody would have tried to get anything out of the Watergate. But be that as it may, that decision having been made at lower levels, with which I had no knowledge, and, as I pointed out——

Q. Surely you know now, sir.

THE PRESIDENT. Just a minute. I certainly feel that under the circumstances that we have got to look at what has happened and to put the matter into perspective.

Now when we talk about a clean breast, let's look at what has happened. The FBI assigned 133 agents to this investigation. It followed out 1,800 leads. It conducted 1,500 interviews.

Incidentally, I conducted the investigation of the Hiss case. I know that is a very unpopular subject to raise in some quarters, but I conducted it. It was successful. The FBI did a magnificient job, but that investigation, involving the security of this country, was basically a Sunday school exercise compared to the amount of effort that was put into this.

I agreed with the amount of effort that was put into it. I wanted every lead carried out to the end because I wanted to be sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-election had anything to do with this kind of reprehensible activity.

Now, the grand jury has handed down indictments. It has indicted incidentally two who were with the Committee for the Re-election and one who refused to cooperate and another who was apprehended. Under these circumstances, the grand jury now having acted, it is now time to have the judicial process go forward and for the evidence to be presented.

I would say finally with regard to commenting on any of those who have been indicted, with regard to saying anything about the judicial process, I am going to follow the good advice, which I appreciate, of the members of the press corps, my constant, and I trust will always continue to be, very responsible critics.

I stepped into one on that when you recall I made inadvertently a comment in Denver about an individual who had been indicted in California, the Manson case. I was vigorously criticized for making any comment about the case, and so of course, I know you would want me to follow the same single standard by not commenting on this case.

Campaign Plans

Q. Mr. President, when are you going to begin intensive campaigning, and are you going to begin intensive campaigning?

THE PRESIDENT. I repeat, Mr. Warren, what I have said previously in San Clemente and at San Francisco. Until the Congress adjourns, my primary responsibility is to stay here and particularly to stay here to fight the battle against bigger spending that would lead to bigger taxes.

I have made a commitment, and I make it here again today. There will be no tax increase in 1973. However, there is one problem with that commitment. There will be no Presidential tax increase. But, we need the cooperation of the Congress, and there could be a congressional tax increase. If the Congress, for example, does not approve the $250 billion ceiling that we have requested, that

*The 33⅓ percent figure refers to low income retired persons in the Northeast. Nationwide, the average is about 16 percent of retiree's income.

55. On December 15, 1972 John Ehrlichman met with CIA Director Richard Helms, William Colby of the CIA, and John Dean. They discussed answers to questions posed by Assistant Attorney General Henry Petersen and Assistant U. S. Attorney Earl Silbert. Colby had disclosed on November 27, 1972 to the Federal prosecutors that Ehrlichman was the person who had requested CIA assistance for Howard Hunt in 1971. They also discussed the materials turned over by the CIA to the Justice Department on October 24, 1972.

Page

55.1 John Ehrlichman log, December 15, 1972 (received from SSC).....652

55.2 William Colby testimony, Senate Armed Services Committee, nomination of William Colby to be Director of Central Intelligence Agency, July 25, 1973, 163-64, 166.....653

55.3 William Colby testimony, Senate Armed Services Committee Executive Session, May 14, 1973, 110.....656

55.4 Henry Petersen testimony, 9 SSC 3622-23.....657

THURSDAY, DECEMBER 14, 1972

11:00	Visit to Red Cross - Project WIND - Mrs. Moir (357-3329)
12:00	Senator hugh Scott
1:00	Press backgrounder - 450 EOB
3:00	Henry Cashen
3:20	Budget meeting - Roosevelt Room
4:15	Roy Ash
5:00	President

DR

FRIDAY, DECEMBER 15, 1972

10:00	Sallyanne Payton
10:30	Ed Harper
11:00	Bob Fri, Ken Cole
11:45	Budget meeting - Roosevelt Room
12:45-2:00	President
2:00	Bill Ruckelshaus
3:00	Theodore White
4:00	John Dean, Richard Helms, William Colby

SATURDAY, DECEMBER 16, 1972

9:30	Shultz, Ruckelshaus, Morrill, Fairbanks, Cole
11-2	HRH office - Malek, HRH, Higby, Hullin
2:10	Andy Hunter
7:30	BLACK TIE White House dinner

SUNDAY, DECEMBER 17, 1972

1:00	Redskins vs. Buffalo Bills

MONDAY, DECEMBER 18, 1972

9:00	Ollie Atkins (new JDE photo) - Library
10:00	Henry Kissinger
11:00	Jack Sutherland
11:15	David Young
11:30	Saul Pett (AP)
12:30	John Dean, HRH, Higby
1:30	Lunch with Garment - Conference Dining Room
2:00	President, Kleindienst (EOB office)
2:45	Timmons, Ziegler, Hullin
3:30	Dick Cook
3:45	Roy Ash
4:00	President

Question. Did the CIA receive any indication from the Justice Department at that time not to give certain material to the prosecutors at all? If so, was a reason given?

Answer. Justice Department representatives agreed with our concerns over the sensitivity of the material and indicated they would hold the material but would discuss it with the prosecutors.

Question. Did the CIA receive any indication from the Justice Department not to give certain material to the prosecutors until the time of the trial? If so, was a reason given?

Answer. Again it was agreed that the prosecutors would not be briefed until shortly before the trial to minimize chances for an opportunity of leakage.

Question. If the security of CIA operations were at issue, and the prosecutors should not see it for that reason, wouldn't this be the case at the time of trial as well as before trial?

Answer. Yes, but the risk of leakage would be lessened and it might not be necessary.

Question. Did you and Mr. Helms discuss at any point that such a request from the Justice Department might imply an inclination to limit the investigation of possible criminal conduct?

Answer. No.

Question. Mr. Colby, I would like to read briefly from two memoranda which relate to your meeting with Mr. Petersen, Mr. Silbert, and Mr. Lawrence Houston of November 27, 1972.

Answer. The meeting was with Mr. Petersen, Mr. Silbert and Mr. Warner, not Mr. Houston, on 27 November 1972.

DECEMBER 18, 1972.

Memorandum for the record.

Subject: Meeting at the White House on December 15, 1972, re: Watergate Case.

Participants: Richard Helms and William Colby, CIA; John Ehrlichman and John Dean, the White House.

1. After preliminary remarks, Colby gave a summary of CIA's dealings with the FBI and the Department of Justice with respect to Howard Hunt. He said we first responded at the working level to certain normal questions about Hunt's and friends' earlier association with CIA. However, Hunt's notebook and documents and certain other leads pointed to CIA, and it was determined that an adequate answer to these should be given at the top level of the FBI rather than at the working level. This was done, to Acting Director Gray, and the reply included a response to a follow-up question of the FBI's as to any other alias or documentation. In this description was referred to the names "Warren" and "Leonard" and certain additional assistance given in July and August 1971 as authorized by an extra-Agency official. Colby pointed out that there was no specification of who this official was. Mr. Gray had allowed one other individual to know of this material, W. Mark Felt, and it was our impression that that information had not gone any further.

2. Colby further explained that Mr. Silbert, in charge of the case, had generated some additional questions, including some about the alias "Warren" and a "Mr. [deleted]" whose name and telephone number appeared in Mr. Hunt's materials. Again, the Agency had wanted to respond at the highest level only, and the Director and Mr. Houston visited Attorney General Kleindienst with a memo replying to these questions. The Attorney General had directed that the material not go to the U. S. Attorney's Office, directed Mr. Henry Petersen to handle the matter discreetly and inform Silbert as appropriate. Colby then said that he and John Warner had been asked to visit Messrs. Petersen and Silbert, in which interview Silbert focused in on the reference to a "duly authorized extra-Agency request." Colby said he had danced around the room several times for ten minutes to try to avoid becoming specific on this, finally naming the White House, and was then pinned by Silbert with a demand for the name, at which point the name of the individual was given. Colby said that we have worked up answers to additional questions given by Silbert at that time but suspended submitting them until after this meeting.

3. Mr. Ehrlichman sought some precision about the alleged phone calls in terms of dates, etc. These were given to him as the first phone call being before 22 July

35-780 O - 74 - 43

1971 and the terminating phone call being on 27 August 1971. Mr. Ehrlichman said he did not remember the first one at all. Messrs. Helms and Colby said they were merely working on General Cushman's memory that there had been a phone call requesting some form of general help for Hunt. Mr. Helms pointed out that we would not have been likely to respond to Hunt's request without some such accreditation, as our rules about issuing false documentation are very strict. Mr. Dean asked a few questions about our procedures and whether we had recovered the false documents, to which the answer was given that we had not, although normally we should have done so. A short summary was given of the type of assistance rendered to Mr. Hunt on 23 July and in August and the fact that the demand for a backstopped telephone had triggered our decision to cut off the assistance. Mr. Helms stated that he was quite ignorant of the specifics, as he believes he was first brought into it when Hunt had asked for a secretary to be assigned to him from our Paris Station. and he had concurred that the answer to this and further assistance should be negative. Mr. Ehrlichman took down the dates of the two alleged phone calls and said he would check up on his schedule, etc., to see whether there was any possibility. He said that Hunt at that time was not working for him but for Colson, and he had not joined Ehrlichman's staff until later. Ehrlichman said that he thought Hunt had been working on the tracing of document leaks during that period.

4. The point was brought out that it was our understanding this material was all made available to Mr. Silbert as a preparation against possible questions raised by the defense but that he was now talking in somewhat different terms. Mr. Dean said that he probably would want to use this material to prove that Hunt and Liddy operated in alias and that it would be easier to prove it by a CIA testimony than by witnesses. It was agreed all around this would be a mistake, as the entire matter was totally irrelevant to the main trial and would be a red herring.

5. Mr. Dean was shown the material prepared for passage to Mr. Petersen in response to Mr. Silbert's latest questions. It was agreed that these would be held up. At Mr. Ehrlichman's request, Colby agreed to ask General Cushman to phone him so they could discuss the details of the alleged telephone calls.

6. As an aside, Mr. Ehrlichman recalled a discussion with Mr. Helms in which the latter had given him some "fatherly advice" that Hunt was [deleted] Mr. Helms said that we had perhaps kept Mr. Hunt on a little longer than we should have but that we had several years ago separated him from more operational tasks. It was worked out that this conversation probably took place after the events discussed above, i.e., later in the fall of 1971.

7. Mr. Ehrlichman congratulated Mr. Helms on the Marchetti decision and said that he had instructed Mr. Hampton of the Civil Service Commission to look into the possibility of applying this technique more broadly. Mr. Helms agreed and stressed the importance of some control of classification. In this, Mr. Helms said that he had a somewhat critical letter from Mr. Eisenhower, to which Mr. Ehrlichman said that he also had added one of his own asking that Helms be as forthcoming as possible. Mr. Helms said we would be replying to these in good time. He explained that the intelligence business depends upon a fiduciary relationship of continued secrecy and that we cannot develop sources if we acquire the reputation of declassifying their identities and exposing them to difficulties.

W. E. COLBY, *Executive Director-Comptroller.*

ADDENDUM

Mr. Colby called General Cushman and said that Mr. Ehrlichman did not remember the first phone call and that it had been arranged that General Cushman should call Mr. Ehrlichman to discuss the matter General Cushman said he would do so.

WEC.

NOVEMBER 27, 1972.

Memorandum for the record.
Subject: Watergate Case.

1. The Executive Director, Mr. W. E. Colby, and the Acting General Counsel, Mr. John S. Warner, met for approximately one hour with Mr. Henry E. Petersen, Assistant Attorney General, Criminal Division, Department of Justice, and Mr. Earl J. Silbert, Principal Assistant United States Attorney for the District

any funds. Mr. Silbert asked if there was any coincidence in [deleted] retiring on 19 June since he had been in touch with both McCord and Hunt. We said there was no connection but [deleted] simply sent names and resumes in response to rqeuests.

10. Mr. Colby pointed out that the Agency wanted to cooperate in every way but felt that the sensitivity of the matter required that it be done at the Petersen and Silbert level and not at the normal FBI invesigative level. Both Mr. Petersen and Mr. Silbert appeared to fully understand the Agency's position in this regard.

JOHN S. WARNER.
Acting General Counsel.

Question. Are both of these memoranda accurate accounts of your meeting with Mr. Petersen and Mr. Silbert?

Answer. I believe that both of these memoranda were reasonably accurate representations of what occurred at that meeting.

Question. If your own later memorandum is accurate, why would you believe it important to avoid becoming specific with Mr. Silbert and Mr. Petersen concerning Mr. Ehrlichman's name?

Answer. The question was one of CIA's assistance to Mr. Howard Hunt. This information was provided. It was pointed out that this assistance was duly authorized. I did not believe it essential to volunteer to the prosecutors the precise authorization under which CIA acted, although I gave that information when asked the direct question.

Question. Did you mention in the November 27 meeting the transcript of the Cushman/Hunt meeting in July 1971, or that Mr. Ehrlichman had initiated a call to the Agency prior to Mr. Hunt's visit there?

Answer. I did not mention the transcript but I did indicate that Mr. Ehrlichman had made the call to General Cushman before Mr. Hunt's visit to General Cushman.

Question. Was this the first time you had ever been asked specifically about the identity of the person who recommended Mr. Hunt to the Agency?

Answer. This was the first time outside the Agency.

Question. So is it fair to say that although you were reluctant at this first meeting you did give the Justice Department this information the first time you were asked?

Answer. Yes.

Question. Did you meet with General Cushman on December 13?

Answer. Yes.

Question. This is apparently prior to the December 15 meeting at the White House with Mr. Helms, Mr. Ehrlichman, and Mr. Dean—how did this meeting with General Cushman come about?

Answer. In preparing the answers to Mr. Silbert's questions I felt it desirable to check General Cushman's memory of these events.

Question. Did you ask General Cushman to write a memorandum to Mr. Ehrlichman at that first meeting?

Answer. No.

Question. Did you show General Cushman at that first meeting the transcript of his conversation with Mr. Hunt?

Answer. At the first meeting I stated to General Cushman that we wanted to be sure of the identity of the White House caller who had sponsored Mr. Hunt's request for assistance in July 1971. I did not at first show General Cushman the transcript. General Cushman replied that he thought it was Mr. Ehrlichman, Mr. Colson, or Mr. Dean or someone such as that whom he knew. I then showed him the transcript and he agreed that it must have been Ehrlichman.

Question. Was he fully aware and did he remember that Mr. Ehrlichman had called him to establish CIA liaison with Mr. Hunt?

Answer. Yes.

contact, as I understand, then later you were requested by Mr. Colby or someone to write a memorandum about the matter.

General Cushman. Yes, sir.

Senator Thurmond. This was done at the request of the prosecutor or somebody in the Justice Department?

General Cushman. Yes, sir.

I would have to defer to Mr. Colby. I think he may know why the memoranda were being prepared.

Senator Thurmond. I will be glad for him to answer.

Mr. Colby. Well, at the time that we first started talking to the Justice Department we had some impression in the agency that it was Mr. Ehrlichman who had called and we had used that name with the prosecutor, Mr. Zilbert, and with the Attorney General. WE didn't really have direct evidence of that and in mid-December Mr. Helms and I were asked to go see Mr. Ehrlichman and Mr. Dean and I recounted the material that had been forwarded to the Justice Department or summarized it and mentioned that we had told them we thought the name was Ehrlichman that had made the original call. Mr. Ehrlichman said that he didn't recall that particular phone call, he just didn't recall, and he seemed perplexed about it, and I said, that, well, we didn't have any really good evidence on it, the only fellow on our side who would know anything about it would be General Cushman, and Mr. Ehrlichman asked me to get in touch with General Cushman so they could refresh their memories

656

Mr. DASH. Were you aware the Patman committee was in fact planning to call or subpena a number of the witnesses that would be involved in the criminal prosecution?

Mr. PETERSEN. Only from the public press.

Mr. DASH. Was it your position that such a congressional committee might prejudice the criminal prosecution?

Mr. PETERSEN. Yes, and I sent a letter. The letter was prepared by my staff in the office of legal counsel, it was sent to Congressman Patman setting forth our position and the fact that under the *Delaney* case the Government is regarded as a monolith and the actions of a congressional committee are attributable to the prosecution in that and it might result in prejudicial publicity, yes.

Mr. DASH. Did you later learn what happened to the subpenas that were proposed to be sent in the Patman committee investigation?

Mr. PETERSEN. I have no idea about that.

Mr. DASH. As a matter of fact, the vote was against subpenaing them and——

Mr. PETERSEN. I understand.

Mr. DASH. It never got off the ground.

Mr. PETERSEN. I understand there was such a vote.

Mr. DASH. On October 24, 1972, do you recall receiving certain documents from Mr. Kleindienst which had been turned over to Mr. Kleindienst by CIA relating to Mr. Hunt's activities?

Mr. PETERSEN. Yes, I do.

Mr. DASH. On October 24, were these just documents or did they include photographs, do you know?

Mr. PETERSEN. My recollection is that there was a series of photographs attached to the package. I guess to recount the situation I was called up to Mr. Kleindienst's office, Mr. Helms and his counsel, Larry Houston, were there, they expressed some reservations about potential embarrassment to the CIA and that they were there with certain information as a result of questions generated by Mr. Silbert, they hoped it would not be necessary to disclose them, I took the information and left with Larry Houston, sat down and examined their concerns and their concerns related to the hope that had been furnished to CIA and there was one possible wholly unrelated valid CIA activity involved which they were most desirous of protecting. I assured them we would try and do that, made arrangements to get Earl Silbert over there and while he went over the documents, we studied those photographs and we couldn't make any sense of them at all.

Mr. DASH. To refresh your recollection, do you recall that there were actually two times you may have received certain documents, once documents alone from Mr. Kleindienst, on October 24, and some documents in which photographs were attached sometime in the early part of January—January 3?

Mr. PETERSEN. No, I don't remember any January 3d, Mr. Dash. We got some documents from CIA in October and some documents from CIA in December.

Now, I could be mistaken, they may have been attached to the December documents but my recollection is they were in the October package.

Mr. DASH. May I show you a copy of a memorandum dated December 5, 1972, and attached to it are Xerox copies of photographs and see if these are the records that you did receive?

Mr. PETERSEN. I recognize one which is a picture of Mr. Liddy in front of a stationery store which has the sign on the window "Xerox Copies While You Wait." I recognize that one. I recognize another one in which there is an address 11923 on the building, a car outside. I recognize another one in which there is written in on it—two automobiles—reserved Dr. Fielding, reserved Dr. Rothberg.

Mr. DASH. Actually what you did receive were Xeroxes of photographs, not photographs themselves?

Mr. PETERSEN. That is right.

Mr. DASH. And do they appear something like these Xeroxes I have shown you?

Mr. PETERSEN. Those I have mentioned to you; yes, sir.

Mr. DASH. When you received these, was there any indication to you as to what investigation these drafts related to?

Mr. PETERSEN. No, we were investigating, of course, activities of Hunt and Liddy out in California, trying to figure out why, what its relationship to Watergate was, and Silbert and I sat down and went over these documents and we couldn't relate them to anything. Later we asked CIA, I guess, and they didn't have any descriptive data or negatives or actual photographs or anything that would assist us.

Mr. DASH. Were you aware of the special investigating unit which had been called the Plumbers that was in the White House?

Mr. PETERSEN. No, sir.

Mr. DASH. Did your Criminal Division play any role in the investigation of the Pentagon Papers leak?

Mr. PETERSEN. No, sir.

Mr. DASH. Were you aware of the investigation that this so-called investigating unit was making of Dr. Ellsberg or his psychiatrist?

Mr. PETERSEN. No, sir.

Mr. DASH. And when you noticed, I think there was some evidence, some of these photographs referred to a Dr. Fielding, did you know who Dr. Fielding was?

Mr. PETERSEN. No, sir.

Mr. DASH. Or whether or not he was related in any way to Mr. Ellsberg. So that in receiving these documents, would it be fair to say that they did not put you on notice of any break-in or effort to break into Dr. Fielding's office?

Mr. PETERSEN. They did not.

Mr. DASH. Or had any relation to the investigation by the Justice Department investigation of Mr. Ellsberg or the prosecution that was going on?

Mr. PETERSEN. We didn't relate those documents to the Ellsberg case, I think, until the time of Mr. Krogh's affidavit in connection with the Ellsberg matter.

Mr. DASH. Mr. Chairman. I would like to have the memorandum of December 5, 1972, with the accompanying Xerox copies of photographs marked appropriately and admitted in evidence.

Senator ERVIN. Let the reporter assign it the appropriate exhibit number.

[The documents referred to were marked exhibit No. 146.*]

*See p. 3861.

56. On January 8, 1973 former CIA Deputy Director Cushman sent a memorandum to John Ehrlichman identifying as the person who requested CIA assistance for Howard Hunt in 1971 one of the following: Ehrlichman, Charles Colson or John Dean. On January 10, 1973 after discussions with Ehrlichman and Dean, Cushman changed the memorandum to state that he did not recall the identity of the White House person who requested assistance for Hunt.

Page

56.1 John Dean testimony, 3 SSC 977-78.....660

56.2 Robert Cushman testimony, 8 SSC 3295-97.....662

56.3 Memorandum from Robert Cushman to John Ehrlichman, January 8, 1973, SSC Exhibit No. 125, 8 SSC 3390.....665

56.4 Memorandum from Robert Cushman to John Ehrlichman, January 10, 1973, SSC Exhibit No. 126, 8 SSC 3391.....666

56.5 Partial transcript of telephone call from John Ehrlichman to General Robert Cushman, July 7, 1971 with accompanying CIA employee affidavit, February 5, 1974 (received from CIA).....667

response which Krogh wrote down for his secretary and she returned the call. I have submitted to the committee the document prepared by Mr. Krogh's secretary after the call was returned to Mr. Liddy—and I might note that was not in the exhibits when I assembled them last night but I do know where it is, on the table at home.

Senator BAKER. I take it you will supply that document later in your testimony?

Mr. DEAN. Yes, Senator; I will.

Senator BAKER. Thank you very much.

[The document referred to was marked exhibit No. 34–31.*]

Mr. DEAN. On Friday afternoon, January 5, I received a report from O'Brien that Liddy had been rather miffed and annoyed that Krogh had been unwilling to speak with him. I reported this to Krogh, who asked if I would personally see what I could do, because Krogh felt sorry for Liddy but just couldn't talk with him. I agreed I would do something and on Saturday, January 6, I called Liddy from my house at his home. It was a brief call in which I told him the reason Krogh had not called and told him that Krogh had great sympathy for his plight. Liddy said he understood. The only thing I can recall Liddy saying to me was that he hoped that there would be some money forthcoming for his lawyer. I said I would pass that message along. I also expressed sympathy over his situation and the call ended. I later reported to Krogh that Liddy understood why he did not speak with him personally and Krogh appreciated it.

RETRIEVING CIA MATERIAL FROM THE DEPARTMENT OF JUSTICE

Now I am going to turn to the receiving, the retrieving CIA materials from the Department of Justice in connection with the investigation.

As a result of a conversation I had with Ehrlichman, I was asked to attempt to have the CIA retrieve from the Department of Justice information relating to Hunt's dealings with the CIA. To understand Ehrlichman's request, I must provide some background. During the course of the Watergate investigations, the prosecutors had requested material from the CIA and, because of the fact that this material related to the White House, the CIA had informed the White House of the request. The first incident when this came up was regarding the fact of who had made the initial request to the CIA to assist Hunt. General Cushman had been the Deputy Director of the CIA at the time the matter occurred, and when he was asked, he reported that he had been requested from John Ehrlichman. When Ehrlichman was informed of this, I believe by General Cushman, he denied the fact that he had ever made such a request, and told Cushman that he had never been asked for such assistance.

Subsequently, General Cushman prepared a memorandum that indicated that the request had come from either Ehrlichman, Colson, or myself. Ehrlichman forwarded a copy of this document to me and asked if I would get this matter taken care of. I told him I thought it was somewhat strange that my name was on the memorandum from Cushman in that I had never spoken with Cushman in my life.

*See p. 1238.

He then asked me if I did not think it would be better that Cushman mentioned no one since he could not remember who it was. I remember suspecting at the time, as I do today, that Ehrlichman had had my name inserted in the memorandum as a means of getting me to make sure that Cushman would have no names in the memorandum at all. I remember calling General Cushman and telling him that I had received from Ehrlichman a copy of his memorandum and that I was somewhat surprised to find my name in it because this was the first time I had ever spoken with him. He agreed that we had never talked and I said that Ehrlichman had suggested to me that, if he could not remember who it was, he, Cushman, probably should not mention anyone.

A short time later, another memorandum on this subject of who had asked for Hunt to have the assistance of the CIA come forward from General Cushman and this time no names were mentioned at all. It was after this episode in getting the Cushman statement corrected that I had an occasion to discuss this with Colson. Colson told me that he had been present when Ehrlichman had made the call to Cushman.

The other CIA material relating to Hunt's dealings with the CIA emanated from a series of questions that had been asked by the Watergate prosecutors. I recall a discussion with CIA Director Helms and one of his deputies in Ehrlichman's office when they went over the type of material that they would be providing to the Department of Justice.

I subsequently had occasion, while at the Department of Justice, to talk with Henry Petersen about the CIA material and he showed me a copy of the information the CIA had provided him, and he told me Mr. Gray had the same material. I remember that the document had attached to it a number of photographs which had come from a camera—again my text has gotten confused—had come from a camera, the camera which had been returned by Hunt to the CIA. It is a camera that had been borrowed by Hunt from the CIA. The pictures, which had been processed by the CIA, included a picture of Liddy standing in front of Ellsberg's psychiatrist's office.

I informed Ehrlichman about this and that is the reason that he subsequently requested that I seek to retrieve the documents before the Senate investigators got a copy of the material.

I discussed this with Petersen, but he said that they had received a letter in early January of this year from Senator Mansfield regarding the maintenance of all records relating to the case and that the only thing that he could do would be to extract the document and leave a card to the effect that the document had been returned to CIA.

I reported this to Ehrlichman and he told me that he thought that the CIA ought to get all of the material back and that no card should be left in the file and that national security grounds should be used to withhold release of the information.

On February 9, 1973, I spoke with Director Schlesinger of the CIA and asked him if it would be possible to retrieve the material that had been sent to the Department of Justice in connection with the Watergate investigation. I told him that I had discussed this with the Department of Justice and they indicated that they would merely leave

Mr. HAMILTON. When did you first learn of the break-in of Dr. Ellsberg's psychiatrist's office?

General CUSHMAN. I think it was when I was in Europe just before being called back to testify to the oversight committees of the CIA, which was May 13. I think I heard about it about the 10th when it appeared in the newspapers.

Mr. HAMILTON. That was May of which year?

General CUSHMAN. 1973, sir.

Mr. HAMILTON. Did you have an occasion in January of this year, to prepare two memorandums to Mr. Ehrlichman on your contacts with Mr. Hunt?

General CUSHMAN. I did, sir.

Mr. HAMILTON. I would like to show you memorandums that are dated January 8 and January 10, 1973, on the subject contact with Mr. Hunt, and I will pass these copies over to you. I believe the committee has already been provided with copies of these memorandums. General Cushman, are these the two memorandums that you prepared?

General CUSHMAN. Yes, sir; they certainly look like copies of them.

Mr. HAMILTON. Mr. Chairman, I would ask that these memorandums be submitted into the record at this time.

Senator ERVIN. Without objection, it is so ordered.

[The documents referred to were marked exhibits Nos. 125 and 126*.]

Mr. HAMILTON. Do these memorandums contain a summary of your experience with Mr. Hunt that you have just given us in testimony?

General CUSHMAN. Yes, sir; they do.

Mr. HAMILTON. Would you give us the circumstances that surrounded the preparation of these memorandums, in your own words, please, sir?

General CUSHMAN. Yes, sir.

I believe the date was December 13, 1972. I was Commandant of the Marine Corps at the time, and Mr. Colby came to see me, he was then the No. 3 man in the CIA, he came to see me and stated that the Agency had been directed to prepare a summation of their contacts with Howard Hunt.

This had been directed, I gathered, by the Department of Justice, the prosecutors in the case. So he refreshed my memory on the phone call. I could not remember in December of 1972 who had telephoned me from the White House. I thought it was Mr. Ehrlichman, but I was not sure. When I had conversation on July 22 with Howard Hunt, a number of names had been dropped in the conversation, Mr. Colson's, Mr. Ehrlichman's, maybe Mr. Dean's. I do not know; in any event, I could not be very certain. I refreshed my memory from the transcribed conversation, and while Ehrlichman's name appeared in it, I did not know whether this was sufficient for me to go putting it in writing or not; and the tape, of course, was the property of the Agency, so I did not know just where I stood on that.

I then prepared the first memo which is dated January 8—wait, I have to go back a little bit. Apparently, these papers were the subject later of conversation between Mr. Colby and the prosecutor and, I gather, Mr. Ehrlichman, I do not know. The next thing that happened,

*See pp. 3390, 3391.

to my own knowledge, was along about January 7 or 8 this year, Mr. Colby called and said that Mr. Ehrlichman disputed the phone call incident, and would I prepare a memorandum stating to the best of my recollection, what had happened. So I prepared the first memorandum, in which I said Ehrlichman, Mr. Colson, or perhaps Mr. Dean. I simply cannot recall at this late date which one it is, of my own knowledge.

I then got a call, as I remember it, from John Ehrlichman saying, "Look, I can't recall prior to July 22 and, in fact, my records show I was out of town for a considerable length of time."

Well, this shook up my recollection even worse, and so I offered, without being asked, I offered to take names out of it since I did not think it would be fair when I could not swear to it. And then, I wrote the second memorandum in which I said that I could not recall who placed the call at this late date but it was someone whom I recognized in the White House.

The fact of the matter was that I had not combed through the minutes of the daily staff meetings. I had checked my own files and in the office at CIA to see whether there was any record of this phone call and I could not find one. However, in preparing the statement before the committees that Dr. Schlesinger had to make in May he had a thorough search made of all possible documents and came up, I believe his secretary found them, came up with the minutes of the meeting of July 8, in which I definitely stated that Mr. Ehrlichman had called. So, based upon that I swore out an affidavit, I believe it is May 13, and used that affidavit before the CIA oversight committees, the three of them before whom I had to testify.

Mr. HAMILTON. So the record will be clear, I would like to read the relevant portions from these two memorandums, a sentence or two from each.

The January 8 memorandum states:

I received a call over the White House line from either Mr. Ehrlichman, Mr. Colson, or perhaps Mr. Dean (I simply cannot recall at this late date just which one it was) stating that Mr. Hunt would call on me to ask for some support and that he was working on a matter for the person calling.

Now, in the January 10 memorandum this sentence appears:

"I cannot recollect at this late date who placed the call, but it was someone with whom I was acquainted, as opposed to a stranger." And the names of Mr. Ehrlichman, Mr. Colson, and Mr. Dean appear nowhere in the memorandum.

General GUSHMAN. Right.

Mr. HAMILTON. Now, if I could ask you just a few questions on these two documents. First of all, since you reviewed the transcript of your conversation with Mr. Hunt on December 13 and because on page 3 of that transcript it is stated that it was Mr. Ehrlichman who had called you, why did you have any real doubt that indeed it was Mr. Ehrlichman who had made the telephone call to you in July 1971?

General CUSHMAN. Well, my recollection was that it was Mr. Ehrlichman, but I was more concerned with putting it down on a piece of paper. I didn't know, as I say, that I could get a transcript of the tape—I didn't have this transcript. The Agency had it and showed it to me. And the fact that it was a tape recording and that it belonged to the Agency made me a little worried. I wanted something to cor-

roborate it. Perhaps I was wrong on that, but that is the way I felt about it.

And it wasn't until May of this year that we found what I consider to be corroborating entry in the records.

Mr. HAMILTON. Now, after the January 8 memorandum was sent to the White House, did you also receive a call from Mr. Dean?

General CUSHMAN. As I recall, I did get a call from Mr. Dean in which he said that we didn't know each other and he was certain he hadn't talked to me, and I had to agree with him, that we had not met, and that I couldn't explain why I put his name in, frankly.

But his name was in the papers a lot and Mr. Hunt I think may have mentioned him sometime during the conversation I had with him but I am not sure of that.

Mr. HAMILTON. Well, I don't believe in the transcript which we have, which admittedly is a partial transcript because some of these sections are blocked out, not typed, I don't believe, in that transcript that Mr. Dean's name appears in it.

Do you have any other explanation at this time why his name did appear in the January 8 memorandum?

General CUSHMAN. No, I don't, only what I have said.

Mr. HAMILTON. Now, I believe you stated that you removed these three names from the memorandum voluntarily?

General CUSHMAN. Yes, sir.

Mr. HAMILTON. Is it your testimony that Mr. Ehrlichman put no pressure at all on you to have his name removed?

General CUSHMAN. No, sir.

Mr. HAMILTON. In your press conference that you had when you came back from Europe, you stated at page 19 that you tore up the first memorandum at Mr. Ehrlichman's request, and did Mr. Ehrlichman make a request to you that the first memorandum be torn up and that a second memorandum be substituted?

General CUSHMAN. No. I would say that that is an inaccurate phrasing. He didn't ask me to tear it up. In fact, I guess he kept the original as far as I know, but I tore up the copy when I wrote the new memorandum on January 10, 1973. But he did not make a specific request that I tear it up.

Mr. HAMILTON. So the statement you made in your press conference——

General CUSHMAN. Is not precise.

Mr. HAMILTON [continuing]. Is inaccurate.

My final question, and I think this may be of some interest to the committee. If you tore up your copy of the memorandum, how did you produce for us last night the copy of the January 8 memorandum that we now have?

General CUSHMAN. The secretary who took it when I dictated it over at the Agency had retained her stenographic notebook.

Mr. HAMILTON. Mr. Chairman, I have no more questions.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. General Cushman, as I understand it, you reviewed the transcript of this conversation with Hunt on December 13, 1972.

General CUSHMAN. Of this year.

Mr. THOMPSON. Of this year?

General CUSHMAN. I mean——

EXHIBIT NO. 125

3 January 1973

MEMORANDUM FOR: The Honorable John Ehrlichman

SUBJECT : Contact with Mr. Howard Hunt

1. I met with Howard Hunt on the 22nd of July 1971. At some point during the period from about two weeks to about two days prior to his visit, I received a call over the White House line from either Mr. Ehrlichman, Mr. Colson, or perhaps Mr. Dean (I simply cannot recall at this late date just which one it was) stating that Mr. Hunt would call on me to ask for some support and that he was working on a matter for the person calling.

2. Mr. Hunt stated that he had to elicit information from an individual whose ideology he was not certain of and for that reason would like to talk to him under an alias and requested that I provide some documentation to back up his alias identity. He said this was a one-time interview. I said that, yes, we would provide a driver's license and what is called pocket litter, which would indicate the identity which he wished to assume for this one-time operation.

3. On 27 August I found that Mr. Hunt was requesting further support in the form of credit cards and a New York phone number which he could use through an answering service.

4. In my opinion this tended to draw the Agency into the sensitive and forbidden area of operations against Americans and I could no longer comply with his requests. Consequently, at 1100 on 27 August I called Mr. Ehrlichman and explained why we could not meet these requests. I further indicated that Hunt was becoming most demanding and troublesome and, in my opinion, indiscreet. Mr. Ehrlichman indicated assent to our cessation of support for Mr. Hunt.

R. E. Cushman, Jr.
General, USMC

EXHIBIT NO. 126

10 January 1973

MEMORANDUM FOR: The Honorable John D. Ehrlichman
Assistant to the President for
Domestic Affairs
The White House

SUBJECT : Contact with Mr. E. Howard Hunt

1. I met with Howard Hunt on 22 July 1971. At some point during the period from about two weeks to about two days prior to his visit, I received a call over the White House line direct to my office as Deputy Director of Central Intelligence stating that Mr. Hunt would call on me to ask for some support and that he was working on a matter for the person calling. I cannot recollect at this late date who placed the call, but it was someone with whom I was acquainted, as opposed to a stranger.

2. Mr. Hunt stated that he had to elicit information from an individual whose ideology he was not certain of and for that reason would like to talk to him under an alias and requested that I provide some documentation to back up his alias identity. He said this was a one-time interview. I said that, yes, we would provide a driver's license and what is called pocket litter which would indicate the identity which he wished to assume for this one-time operation.

3. On 27 August I found that Mr. Hunt was requesting further support in the form of credit cards and a New York phone number which he could use through an answering service.

4. In my opinion this tended to draw the Agency into the sensitive and forbidden area of operations against Americans and I could no longer comply with his requests. Consequently, at 1100 on 27 August I called Mr. Ehrlichman and explained why we could not meet these requests. I further indicated that Hunt was becoming most demanding and troublesome and, in my opinion, indiscreet. Mr. Ehrlichman indicated assent to our cessation of support for Mr. Hunt.

CLASSIFIED BY 053647
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF E.O. 11652 EXEMPTION CAT. (2)
§ 5B(1) (2) or (3) (circle one or more)
AUTOMATICALLY DECLASSIFIED ON
Impossible to Determine
(unless impossible, insert date or event)

R. E. Cushman, Jr.
General, USMC

Telephone Call to General Cushman from John Ehrlichman - 7 July 1971

Mr. Ehrlichman: I want to alert you that an old acquaintance, Howard Hunt, has been asked by the President to do some special consultant work on security problems. He may be contacting you sometime in the future for some assistance. I wanted you to know that he was in fact doing some things for the President. He is a long-time acquaintance with the people here. He may want some help on computer runs and other things. You should consider he has pretty much carte blanche.

12 (notes)

NOTE; After the above conversation, General Cushman called Mr. [illegible] 4 to alert him.

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

AFFIDAVIT

STATE OF VIRGINIA)
) ss.
COUNTY OF FAIRFAX) DV

I, 13 being first duly sworn, state:

1. I was born on 8 March 1924 in Milwaukee, Wisconsin. After serving as an Army officer in World War II and completing my college education, I joined the Central Intelligence Agency in October 1950. I have held the position of Executive Assistant to the Deputy Director of Central Intelligence since November 1969.

2. This affidavit is submitted at the request of Mr. William E. Colby to explain the circumstances of my discovery on February 4, 1974 of a file of stenographers' notes among which was the attached note of Miss 2 summarizing a telephone conversation between Lt. General Robert E. Cushman, Jr. and Mr. John Ehrlichman on 7 July 1971. 020224

3. Director Colby's secretary, Miss 2 came to my office on Monday morning, February 4, 1974. She said that Mr. Colby would like me to go through my files once more to make certain that there were no misplaced transcripts of conversations which had been recorded in the Office of the Deputy Director of Central Intelligence. The recording of visitors' conversations had been done on a very selective basis and this practice was discontinued after General Cushman left CIA in December 1971.

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

DV 68

4. During the morning of February 4, 1974, I went through the papers in my safe in order to determine if any misplaced transcripts of conversations were located there. At the bottom of the second drawer were two folders of material that contained information used for General Walters' orientation briefings after he was appointed Deputy Director of Central Intelligence in March 1972. Under these briefing files I found a brown folder containing ten stenographic notes summarizing General Cushman's telephone conversations with members of the White House staff in 1969, 1970 and 1971. In this folder was a summary of General Cushman's 7 July 1971 conversation with Mr. John Ehrlichman.

020225

5. These stenographic notes in this folder included summaries of General Cushman's conversations with Dr. Kissinger on leaks of intelligence reports in the press, and his request for an analytical paper on Cambodia. There were also conversations with other White House officials on intelligence leaks and on requests for name checks of foreigners. The conversations with Dr. Kissinger were on top of the file of ten stenographic notes and one memorandum written by the CIA General Counsel. The note of General Cushman's conversations with Mr. Ehrlichman on 7 July 1971 was included about two thirds of the way down in the file. I had looked at this file in May 1973 when Dr. Schlesinger requested employees to search all files for material which might have been related to Howard Hunt and the Watergate affair. At that time I noted the records of the conversations with Dr. Kissinger and others on matters which were completely unrelated to Watergate. I did not see the single page item on General Cushman's conversation with Mr. Ehrlichman about Howard Hunt, and presumably, inadvertently failed to uncover it when I was paging through these papers.

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

6. The file of summary notes of General Cushman's telephone conversations was maintained by his secretary. I usually did not see them when they were made because they were chiefly used by the secretaries to clarify questions which might be raised later. DV In many cases, General Cushman probably did not see them either. In December 1971 Miss 2 General Cushman's secretary and I reviewed General Cushman's papers after he left CIA to become Marine Commandant. I decided to retain only those papers which related to General Cushman's conversations with members of the White House staff.

020226

13

Affiant.

SUBSCRIBED and SWORN to before me this 5th day of February, 1974.

J. Helen Conner
Notary Public

My Commission Expires March 15, 1977

(SEAL)

3

THE MATERIAL DELETED FROM THIS PAGE WAS DELETED BY THE CHAIRMAIN AND RANKING MINORITY MEMBER AT THE REQUEST OF THE CENTRAL INTELLIGENCE AGENCY BEFORE PRESENTATION TO THE COMMITTEE ON THE JUDICIARY.

DV 670

57. Early in 1973 John Dean met with Assistant Attorney General Petersen. Petersen showed Dean documents delivered by the CIA to the Department of Justice, including copies of the photographs connecting Howard Hunt and Gordon Liddy with Dr. Fielding's office. On a second occasion prior to February 9, 1973 Dean met with Petersen and discussed what the Department of Justice would do if requested by the CIA to return materials. Petersen told him that an indication that the materials had been sent back to the CIA would have to be made in the Department's files.

Page

57.1 John Dean testimony, 3 SSC 978.....672

35-780 O - 74 - 44

He then asked me if I did not think it would be better that Cushman mentioned no one since he could not remember who it was. I remember suspecting at the time, as I do today, that Ehrlichman had had my name inserted in the memorandum as a means of getting me to make sure that Cushman would have no names in the memorandum at all. I remember calling General Cushman and telling him that I had received from Ehrlichman a copy of his memorandum and that I was somewhat surprised to find my name in it because this was the first time I had ever spoken with him. He agreed that we had never talked and I said that Ehrlichman had suggested to me that, if he could not remember who it was, he, Cushman, probably should not mention anyone.

A short time later, another memorandum on this subject of who had asked for Hunt to have the assistance of the CIA come forward from General Cushman and this time no names were mentioned at all. It was after this episode in getting the Cushman statement corrected that I had an occasion to discuss this with Colson. Colson told me that he had been present when Ehrlichman had made the call to Cushman.

The other CIA material relating to Hunt's dealings with the CIA emanated from a series of questions that had been asked by the Watergate prosecutors. I recall a discussion with CIA Director Helms and one of his deputies in Ehrlichman's office when they went over the type of material that they would be providing to the Department of Justice.

I subsequently had occasion, while at the Department of Justice, to talk with Henry Petersen about the CIA material and he showed me a copy of the information the CIA had provided him, and he told me Mr. Gray had the same material. I remember that the document had attached to it a number of photographs which had come from a camera—again my text has gotten confused—had come from a camera, the camera which had been returned by Hunt to the CIA. It is a camera that had been borrowed by Hunt from the CIA. The pictures, which had been processed by the CIA, included a picture of Liddy standing in front of Ellsberg's psychiatrist's office.

I informed Ehrlichman about this and that is the reason that he subsequently requested that I seek to retrieve the documents before the Senate investigators got a copy of the material.

I discussed this with Petersen, but he said that they had received a letter in early January of this year from Senator Mansfield regarding the maintenance of all records relating to the case and that the only thing that he could do would be to extract the document and leave a card to the effect that the document had been returned to CIA.

I reported this to Ehrlichman and he told me that he thought that the CIA ought to get all of the material back and that no card should be left in the file and that national security grounds should be used to withhold release of the information.

On February 9, 1973, I spoke with Director Schlesinger of the CIA and asked him if it would be possible to retrieve the material that had been sent to the Department of Justice in connection with the Watergate investigation. I told him that I had discussed this with the Department of Justice and they indicated that they would merely leave

58. On February 9, 1973 Dean called CIA Director James Schlesinger. Dean suggested that the CIA request the Department of Justice to return a package of materials that had been sent to the Department of Justice in connection with the Watergate investigation. Deputy CIA Director Walters contacted Dean on February 21, 1973 and refused Dean's request.

Page

58.1 James Schlesinger memorandum for the record, February 9, 1973, SSC Exhibit No. 135, 9 SSC 3825-26.....674

58.2 James Schlesinger testimony, Senate Armed Services Committee, May 14, 1973, 146-47.....676

58.3 Vernon Walters memorandum of conversation on February 21, 1973, May 11, 1973, SSC Exhibit No. 136, 9 SSC 3827.....678

58.4 John Dean testimony, 3 SSC 978-79.....679

EXHIBIT NO. 135

February 9, 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Telephone Call from John Dean

This evening at 6:10 I received a telephone call from John Dean at the White House. Dean indicated that he wanted to discuss two topics.

First, he averted to a package of material that had been sent to the Department of Justice in connection with the Watergate investigation. He suggested that Justice be requested to return this package to the Agency. The only item that would be left at Justice would be a card in the files indicating that a package had been returned to the Agency, since the material in the package was no longer needed for purposes of the investigation. He indicated that the agency had originally provided these materials to the Department of Justice at the request of The Attorney General and Mr. Howard Peterson.

The second subject that he raised was the pending investigation by the Senate of the ITT affair in relation to the Chilean problem. He felt that this investigation could be rather explosive. He also indicated that there might be some sensitive cables at the Agency that might be requested by the Senate investigators. I indicated to him that while I had not seen any cables, I had been briefed on the subject and that the role of the government appeared to be clean. He expressed his delight at hearing this assessment. I indicated that I would look into the cables further.

In this connection he mentioned that there is a hot story being passed about in the press, primarily instigated by Seymour Hersh of the New York Times. The story suggests that Sturgis, who sometimes goes by the code name Federini, was the individual responsible for the burglarizing of the Chilean Embassy in Washington. He also indicated that he expected Senator Fulbright to request the Justice Department to produce Sturgis for the Senate hearings.

I indicated that I would look further into the matter. He closed with some jovial remarks about being the bearer of bad tidings, and I inquired what the good news might be. Further references were made to pending appointments at the AEC.

Shortly thereafter I discussed these matters with Bill Colby, who indicated that Sturgis has not been on the payroll for a number of years and that whatever the allegations about the Chilean Embassy, the Agency has no connection at all. We also agreed that he would discuss the question of the package relating to the Watergate investigation with General Walters and a decision would be made with regard to the appropriate action.

JRS

cc: General Walters

Indistinct document retyped by House Judiciary Committee staff

Senator Nunn. Mr. Dean asked you on the 9th of February?

Mr. Schlesinger. Yes, sir.

Senator Nunn. Would you repeat that part, what did he ask you?

Mr. Schlesinger. Mr. Dean called me on the 9th of February I believe it was the 9th, and he indicated that there was a package of material in the hands of the FBI or Department of Justice. I was not familiar with the package at the time of the call, though I became familiar with it shortly thereafter. It referred to the package of material referring to the provisioning of Mr. Hunt in July and August of 1971 which had been presented to the FBI or the Department of Justice in the summer and fall of 1972.

I was not familiar with it at that time so I told them that I would become familiar with it. He asked me to have that package withdrawn and to place in it a card which stated that this material had been withdrawn at the request of the Central Intelligence Agency since it no longer served any useful purpose in the investigation. As I indicated on Friday when I discussed this matter, I believe, Senator, you were not here at the time, that this struck me at the time as a very strange maneuver.

I discussed the matter with Mr. Colby and General Walters probably within a half hour after the time of receiving this call from Mr. Dean and instructed General Walters to go back

Indistinct document retyped by House Judiciary Committee staff

Indistinct document retyped by
House Judiciary Committee staff

the next morning and tell Mr. Dean that we could not possibly do such a thing. As I mentioned also Friday, this would seem to me to be inconsistent with the letter that had been sent to a number of Federal agencies, including the Central Intelligence Agency, by Senator Mansfield instrucking [sic] all agencies to do nothing to eliminate any material that bore on the Watergate affair.

Senator Nunn. Well, I was just really probing to see what do you suspect the motivation for that was? It seems to me it could have been one of two tiings [sic]. Number 1, to implicate the CIA as having gotten the evidence back, therefore, by innuendo you had something to hide, or, number 2, to get rid of the actual evidence itself. Which one of those or --

Mr. Schlesinger. Of course, a number of thoughts occurred to my mind at the time which I discussed subsequently with General Walters. The obvious amongst the two alternatives that you have presented, Senator, it is obvious I think that it had to be number 1 rather than number 2. Everybody at the FBI was familiar with this material at that point. The withdrawal of that material and leaving a card in the file saying that the material had been withdrawn to Langley would quite obviously point an arrow at Langley, Virginia and this thought did not escape me at the time or did not escape General Walters.

Senator Nunn. So this could have been a last effort to

Indistinct document retyped by
House Judiciary Committee staff

EXHIBIT NO. 136

11 May 1973

MEMORANDUM OF CONVERSATION ON FEBRUARY 21, 1973

At the request of the Director, Dr. Schlesinger, I called on Mr. John Dean at his office at the White House at 1430. I explained to him that, in connection with his request that the Agency ask the Department of Justice to return a package of material that had been sent to them in connection with the Watergate investigation, it was quite impossible for us to request the return of this, as this would simply mean that a note would be left in the Department of Justice files that the material had been sent back to the Agency, and we had been asked not to destroy any material in any way related to this case. I again told him that there was no Agency involvement in this case and that any attempt to involve the Agency in it could only be harmful to the United States. He seemed disappointed. I then left.

Vernon A. Walters
Lieutenant General, USA
Deputy Director

He then asked me if I did not think it would be better that Cushman mentioned no one since he could not remember who it was. I remember suspecting at the time, as I do today, that Ehrlichman had had my name inserted in the memorandum as a means of getting me to make sure that Cushman would have no names in the memorandum at all. I remember calling General Cushman and telling him that I had received from Ehrlichman a copy of his memorandum and that I was somewhat surprised to find my name in it because this was the first time I had ever spoken with him. He agreed that we had never talked and I said that Ehrlichman had suggested to me that, if he could not remember who it was, he, Cushman, probably should not mention anyone.

A short time later, another memorandum on this subject of who had asked for Hunt to have the assistance of the CIA come forward from General Cushman and this time no names were mentioned at all. It was after this episode in getting the Cushman statement corrected that I had an occasion to discuss this with Colson. Colson told me that he had been present when Ehrlichman had made the call to Cushman.

The other CIA material relating to Hunt's dealings with the CIA emanated from a series of questions that had been asked by the Watergate prosecutors. I recall a discussion with CIA Director Helms and one of his deputies in Ehrlichman's office when they went over the type of material that they would be providing to the Department of Justice.

I subsequently had occasion, while at the Department of Justice, to talk with Henry Petersen about the CIA material and he showed me a copy of the information the CIA had provided him, and he told me Mr. Gray had the same material. I remember that the document had attached to it a number of photographs which had come from a camera—again my text has gotten confused—had come from a camera, the camera which had been returned by Hunt to the CIA. It is a camera that had been borrowed by Hunt from the CIA. The pictures, which had been processed by the CIA, included a picture of Liddy standing in front of Ellsberg's psychiatrist's office.

I informed Ehrlichman about this and that is the reason that he subsequently requested that I seek to retrieve the documents before the Senate investigators got a copy of the material.

I discussed this with Petersen, but he said that they had received a letter in early January of this year from Senator Mansfield regarding the maintenance of all records relating to the case and that the only thing that he could do would be to extract the document and leave a card to the effect that the document had been returned to CIA.

I reported this to Ehrlichman and he told me that he thought that the CIA ought to get all of the material back and that no card should be left in the file and that national security grounds should be used to withhold release of the information.

On February 9, 1973, I spoke with Director Schlesinger of the CIA and asked him if it would be possible to retrieve the material that had been sent to the Department of Justice in connection with the Watergate investigation. I told him that I had discussed this with the Department of Justice and they indicated that they would merely leave

a card in their files indicating that the material had been returned to the CIA.

I subsequently had a visit from General Walters in late February at which time he told me that the CIA was opposed to retrieving the material and leaving a card indicating that they had so retrieved it because they also had been requested by the Senate not to destroy any material relating to the case. I told Walters that I did not suggest that the material be destroyed; rather I thought that national security grounds might justify withholding release of the information to Senate investigators. He said it simply could not be done and I dropped the matter.

As I will explain later in a meeting with Mr. Krogh, the fact that this material was in the possession of the Department of Justice meant to me that it was inevitable that the burglary of Ellsberg's psychiatrist's office would be discovered. I felt that any investigator worth his salt would certainly be able to look at the pictures in the files at the Department of Justice and immediately determine the location and from there discover the fact that there had been a burglary of the office that was in the picture.

I would now like to turn to the White House plans for dealing with this committee.

White House Plan for Perpetuating the Coverup Throughout the Senate Watergate Investigation

Even before the Watergate criminal trial in January of this year, there had been press reports and rumors that the Senate planned independent hearings on the Watergate and related matters. The White House Congressional Relations Staff reported that the subject of Watergate hearings was being discussed in the Senate Democratic Policy Committee, but they did not know the substance of those discussions. I was aware of the interest of Ehrlichman and Haldeman in the prospects of such hearings because they had discussed it with me, and Bill Timmons told me they had discussed it with him.

On December 13, 1972, Timmons informed me that Senator Jackson was coming to the White House for a meeting with the President. Timmons said that Senator Jackson was a member of the Senate Democratic Policy Committee and had an excellent rapport with the President. Timmons asked me what I thought about having the President inquire of Senator Jackson regarding the potential of a Senate inquiry into the Watergate. I responded that I thought it was a good idea, but would have to check. Timmons said the meeting with Senator Jackson was going to be without staff present, and asked me to draft a memorandum to the President raising the issue. I told him I would check with Haldeman.

I prepared a memorandum for the President and went to Haldeman's office, but he was not there. He was in the President's office with Mrs. Ann Armstrong, who was discussing with the President joining the White House staff. A meeting had been scheduled in Mr. Haldeman's office at which Ehrlichman, Moore, Ziegler, and I were to attend. When Ehrlichman came to Haldeman's office for the meeting I raised the matter of the President's asking Senator Jackson about the hearings because I did not have authority to send memorandums directly